

City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive April 16, 2008

Mayor Matti Herrera Bower Vice-Mayor Saul Gross Commissioner Jerry Libbin Commissioner Richard L. Steinberg Commissioner Edward L. Tobin Commissioner Deede Weithorn Commissioner Jonah Wolfson

City Manager Jorge M. Gonzalez City Attorney Jose Smith City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date which will only be held if needed. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.

Times based on the digital recording in the City Clerk's Office.

- PA1 Certificates of Appreciation/Several Places for Contributing to Beautification of CMB.
- PA2 4:40 p.m. Certificates of Appreciation/Parks & Recreation U-13 Boys Traveling Soccer Team.
- PA3 Certificates of Appreciation/Parks & Recreation Dept.'s Special Olympic Athletes.
- PA4 Proclamation/Tonya Alvarez & Certificates to Students of FBLA. (Weithorn)
- PA5 Proclamation/Fire Chief Ed Del Favero, Service to the City of Miami Beach.
- PA6 Proclamation/Declaring April 2008 as National Donate Life Month in Miami Beach.
- PA7 Proclamation/Declaring May as Jewish American Heritage Month. (Steinberg)
- PA8 **New Item:** Certificates of Appreciation/Miami Beach Fire Department Firefighters. (Bower)
- PA9 New Item: Certificate of Appreciation/MB Police Department CID Unit Officer Luis King. (Bower)
- PA10 **New Item:** Certificates of Appreciation/Miami-Dade Fire Rescuers. (Bower)
- PA11 New Item: Certificates Of Appreciation/Matty Tambor, Eloy Dominguez & Bouncer Smith. (Bower)
- C2A Issue RFP, Management & Operation of an Outdoor Market on Ocean Terrace.
- C2B Request for Approval, Purchase Various Vehicles, \$324,105.75.
- C2C ITB No. 07-07/08, Long Distance Service Provider.
- C2D Issue RFQ, Develop Transportation Element Comprehensive Plan for EAR.
- C2E ITB No. 47-06/07, Purchase/Installation of Video Monitoring Equipment for City Garages.
- C4A Ref: Land Use & Dev. Comm. Pedestrian Traffic on Espanola Way & Ocean Dr. (Wolfson)
- C4B Ref: Neighborhoods/Community Affairs Comm. Miami Beach Community Relations Board.
- C4C Ref: Finance & CWP Comm. Alternative Method of Assessment for Historic Properties.

- C4D Ref: Green Committee Modification to the City's Lighting Code. (Libbin)
- C4E Ref: Land Use & Dev. Committee Implementation of Increased Activity in Mid Beach. (Libbin)
- C4F Ref: Land Use & Dev. Committee Use of Specific Tract of Land on Biscayne Point. (Wolfson)
- C4G Ref: Land Use & Dev. Committee & Planning Board Hotel Parking. (Weithorn)
- C4H Ref: Green Committee Require Future Buildings to Be Silver LEED Certified. (Libbin)
- C4I Ref: Special Neighborhoods/Community Affairs Comm. Election Related Items. (Steinberg)
- C6A Report: G.O. Bond Oversight Committee Meeting on March 3, 2008.
- C6B Report: Finance & Citywide Projects Committee on March 6, 2008.
- C6C Report: Land Use & Development Committee Meeting on March 10, 2008.
- C6D Report: Neighborhoods/Community Affairs Committee Meeting on March 26, 2008.
- C7A Execute Amendment, Beachfront Concession Agreement w/ Boucher Brothers.
- C7B Execute Sovereignty Submerged Lands Lease, 6860 Indian Creek Drive.
- C7C Retroactively Submit Grant Applications to Various Funding Agencies.
- C7D Execute Supplement One to JPA, Signalization Improvements A1A, at 7th, 8th, & 9th Streets.
- C7E Set Public Hearing, Public ROW Infrastructure Improvements on Lenox Ave. & 6th Street.
- C7F Support Co-Designation of 71st St. Between Collins Ave. & Bay Drive as "Henri Levy Blvd."
- C7G Approve Purchase/Installation of POF Stations in the 7th Street Parking Garage.
- C7H Accept Donation, LED Accent Lighting for Hibiscus Island Marquee.
- C7I Set Public Hearing, Consider Naming Portion of North Shore Youth Ctr. Joe & Flora Fontana.
- C7J Execute Mutual Aid Agreement w/ Broward County, Coordinating Law Enforcement.
- C7K Adopt/Appropriate, Police Confiscation Trust Fund Budget for FY 2007/08.
- C7L Adopt/Appropriate, 2nd Budget Amendment to Police Special Revenue Acct. for FY 2007/08.
- C7M Approve Purchase of Water Meters & Parts, \$150,000.
- C7N Ratify Contract, Re-Roofing & Roof Repairs at Historic City Hall Building.
- C7O Ratify Contract CO, Replacement of Various Air Conditioning Parts/Units at Historic City Hall.
- C7P Ratify Contract CO, Interior Beam & Column Repairs at Historic City Hall
- C7Q Execute Amendment, Citywide Wayfinding Signage System.
- C7R Retroactively Enter into Agreement, Production of Reality Television Series "Ocean Force."
- C7S Affirm Clean Team's Participation, American Society for Quality 2008 World Conference.

REGULAR AGENDA

- R2A Request for Approval, Purchase (2) Ambulances & (1) Pierce Custom Pumper, \$940,346.00.
- R2B Request for Approval, Purchase Various Vehicles, \$924,253.00
- R5A 10:15 a.m. 2nd Rdg, Sunset the General Obligation Bond Oversight Committee. (Weithorn)
- R5B 10:30 a.m. 2nd Rdg, Urban Light Industrial District (I-1). 5/7
- R5C **5:01 p.m. 2nd Rdg**, Amend "Animals" Ordinance/Provide for Enforcement of Violations.
- R5D 1st Rdg, Amend & Create "Affordable Housing Advisory Committee."
- R5E 1st Rdg, Amend "Hybrid/ILEV Vehicles Incentive" Ordinance. (Steinberg)
- R7A 10:20 a.m. 2nd Rdg, Approve Lease Agmt. w/ Sunrise Community, Inc., 8128 Collins Ave. 5/7
- R7B 11:00 a.m. Consider an After-the-Fact Revocable Permit Request, 5600 La Gorce Drive.
- R7C Approve Partial Fee Waiver for All City Permit Fees, Fifth & Alton Project.
- R7D 10:45 a.m. Accept Recommendation, Energy Savings Performance-Base Contract.
- R7E 11:30 a.m. Accept Recomm., Parking Cashiers/Attendants/Supervisors-Parking System.
- R9A Board & Committee Appointments.
- R9A1 Board & Committee Appointments City Commission Appointments.
- R9B1 **1:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
- R9B2 5:30 p.m. Dr. Stanley Sutnick Citizen's Forum.
- R9C Noon, Committee of the Whole: Mayor/Commission Office Guidelines & Procedures.(Bower)
- R9D 5:05 p.m. Discuss: Appointment Vs. Election Opening of a Commission Seat. (Libbin)
- R9E **4:45 p.m.** Discuss: Audit Prior Transactions, Determine Fraud/Corruption. (Steinberg/Bower)
- R9F Update on Public Baywalk at the Waverly & Flamingo.
- R9G Discuss: Ballot Question Require Public Vote Prior To Change Intensity Use. (Steinberg)
- R9H Discuss: City's Support of the Anti-Bullying Bill to Our Legislative Agenda. (Steinberg)
- R9I Discuss: Support of Fisher Island Workers' Right to Organize. (Steinberg/Wolfson)
- R9J Discuss: Miami Beach Building Permits Issued in Fisher Island. (Libbin)
- R9K Discuss/Referral: Ordinance on Seasonal or Short Term Rental for Consideration.
- R10A Noon, Notice of Attorney Client Session: 10 Palm, LLC. & Villazzo, LLC. Vs. CMB.

- A City Attorney's Status Report.
- B Parking Status Report February 2008.
- C Status Report: Rehabilitation & Construction of the New Fire Station No. 2.
- D Normandy Shores Golf Course & Clubhouse Status Report.
- E Informational Report: Federal, State, M-DC, U.S. Communities & All Existing City Contracts.
- F Report On Graffiti.
- G1 Minutes: M-DCLC Board Meeting on February 7, 2008. (Steinberg/Weithorn)
- G2 Minutes: MPO Governing Board Meeting on February 21, 2008. (Steinberg)

REDEVELOPMENT AGENCY ITEMS - 10:00 A.M.

- 1A Report: Itemized Revenues/Expenditures of RDA's City Ctr. District & S. Pointe Feb. 2008.
- 2A Consent to a First Mortgage Encumbrance, 2001 Washington Ave. (The Allen House).

Meeting called to order at 9:32:48 a.m.

Invocation given by Father Tito Soler, from St. Patrick's Church.

Pledge of Allegiance led by Police Chief Noriega.

Because of a statement made by Mayor Bower at the last Commission Meeting regarding the police and donuts, she announced that the Police Department [FOP] brought the City Commission donuts for today's Commission meeting. She thanked Bobby Jenkins, FOP President, and offered him a donut. Mr. Jenkins responded that he prefers bagels and was given a bagel.

SUPPLEMENTAL MATERIALS:

R5E (Ordinance), R7E (Resolution), R9E (Commission Memorandum will be distributed at the dais), and R9H (Resolution).

11:49:19 a.m.

Step 1:

Jose Smith, City Attorney, read the following statement into the record:

Pursuant to Florida Statute 286.011, the City Attorney hereby advises the Mayor and City Commission that he desires advice concerning the following pending litigation in Federal Court:

10 Palm, LLC, a Florida Limited Partnership and Villazzo, LLC,

a Florida Limited Liability Co. v. City of Miami Beach

U.S. District Court, Southern District of Florida, Case No.: 07-22752-CIV-Lenard/Torres

Therefore, a private Attorney-Client session will be held during the lunch recess of the City Commission in the City Manager's Large Conference Room, Fourth Floor, City Hall, to discuss settlement negotiations and/or strategy related to litigation expenditures with regard to the above-referenced litigation. The Mayor will announce the commencement of the Attorney-Client session at the appropriate time.

3:50:02 p.m.

Step 2:

Mayor Bower read the following statement into the record:

The Attorney-Client session shall commence and will be held between 4:00 p.m., and approximately 5:00 p.m., in the City Manager's Large Conference Room. The persons attending the Attorney-Client session are as follows: Mayor Matti H. Bower; Members of the City Commission: Saul Gross, Jerry Libbin, Richard Steinberg, Ed Tobin, Deede Weithorn, and Jonah Wolfson; City Attorney Jose Smith, City Manager Jorge Gonzalez, First Assistant City Attorney Debora Turner, and First Assistant City Attorney Gary Held, regarding the following case:

10 Palm, LLC, a Florida Limited Liability Co. and Villazzo, LLC,

a Florida Limited Liability Co. v. City of Miami Beach

U.S. District Court, Southern District of Florida, Case No.: 07-22752-CIV-Lenard/Torres

5:29:49 p.m.

Step 3:

Mayor Bower read the following statement into the record:

The City Commission meeting is hereby re-opened.

The Attorney-Client session announced at the beginning of the recess has terminated.

End

Presentations and Awards

9:49:12 a.m.

PA1 Certificates Of Appreciation To Be Presented To Belaire On The Ocean, Pine Tree Place, Fontana Condo Association, And Special Recognition To The Miami Beach Golf Club By The City Of Miami Beach Beautification Committee For Their Efforts In Contributing Significantly To The Beautification Of The City And Its Citizens.

(Parks & Recreation)

ACTION: Certificates presented.

Judith Berson-Levinson, Chairperson of the Beautification Committee, introduced the members of the committee. She thanked the staff from the Parks and Recreation Committee for their constant support and introduced this year's winners:

NORTH BEACH

Belaire on the Ocean

Christina Moya - Administrative Assistant Jennifer McConney – Kobi Karp Architects Ayinde Chase - Kobi Karp Architects Gustavo Parapar - Property Manager

MIDDLE BEACH

Pine Tree Place

Daniela Crespi - Association President Claudia Sierra - Secretary Ali Lopez - Developer Santiago Vanegas - Developer Claudia Sierra - Secretary Claudio Militano

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SOUTH BEACH Fontana Condo Association

Renee Dahdah Todd Jonas – Architect Edmundo Gerez Julia Quipildor

SPECIAL RECOGNITION

Miami Beach Golf Club

Kevin Smith – Parks & Recreation Department Director
Alberto Pozzi – MBGC - PCM Director
Randy Webber- MBGC
Rick Reeves - MBGC
Carlos DaCruz – Parks & Recreation Office Manager
John Oldenburg – Parks & Recreation Assistant Director
Millie McFadden – Parks Superintendent
Jackie Ryden

5:31:14 p.m.

PA2 Certificates Of Appreciation To Be Presented To The City Of Miami Beach Parks & Recreation Department's U-13 Boys Traveling Soccer Team In Recognition Of Their Winning The Dade Youth Soccer League Championship On February 24, 2008, Marking The Second Straight Year That The Team Has Won The League, Winning Last Year As The U-12 Team.

(Parks & Recreation)

ACTION: Certificates presented to: Director of Coaching, Marcelo Di Riso, Coach Cristian Gabriel Schmith, Players: Franco Tassara, Alejandro Diaz, Emanuel Hadfeg, Andony Basagoitia, Jhan Guzman, Sergio Andrade, Richers Vallejo, Gaston Villalba, Ignacio Rodriguez, Michael Thoennes, Giancarlo Anzellotti, Aaron Defreitas, Bryan Defreitas, Alex Cardenas, Carlos Morua, Jared Cohen, Jiro Barrigatoyama and Otto Quiroz.

Kevin Smith, Parks and Recreations Department Director, introduced the Traveling Soccer Team that won the Dade County Youth Soccer League Championship in February. This is the second time in two years that this team has won the championship. He added that the team will be traveling to play the Regional Cup which is a month long tournament, and in May they will travel to Orlando.

Julio Magrisso, Assistant Department Director, introduced the coach and the team players.

10:11:18 a.m.

PA3 Certificates Of Appreciation Presented To The City Of Miami Beach Parks & Recreation Department's Special Olympic Athletes In Recognition Of Their Accomplishments At The Local Games Held On March 15, 2008.

(Parks & Recreation)

ACTION: Certificates presented to: Jose Treviño and Victor Colon, First Place Soccer, and Clarice Geller and Marty Halpern, First Place Tennis.

Kevin Smith, Parks and Recreation Director, read the names of the winners for the different categories and thanked Coach Jose Polo: Director Of Coaching, Marcelo Di Riso, Coach Cristian Gabriel Schmith, Franco Tassara, Alejandro Diaz, Emanuel Hadfeg, Andony Basagoitia, Jhan Guzman, Sergio Andrade, Richers Vallejo, Gaston Villalba, Ignacio Rodríguez, Michael Thoennes Giancarlo Anzellotti, Aaron Defreitas, Bryan Defreitas, Alex Cardenas, Carlos Morua, Jared Cohen, Jiro Barrigatoyama and Otto Quiroz. He explained that the athletes will be traveling to Disney World in May to participate at the Wide World of Sports in the State games and congratulated them.

9:38:18 a.m.

PA4 Proclamation To Be Presented To Tonya Alvarez (Teacher) And Certificates To Students Of The Future Business Leaders Of America (FBLA).

(Requested by Commissioner Deede Weithorn)

ACTION: Proclamation and Certificates presented.

Commissioner Weithorn stated that this year a record number of students qualified to go to State competition on behalf of Miami-Dade County District 25 representing Miami Beach Senior High School from the local organization *Future Business Leaders of America* (FBLA). She read the students' names and commended Tonya Alvarez, teacher and leader, for her accomplishments and accolades.

Tonya Alvarez, Miami Beach High School teacher, stated that she appreciates the recognition and accepted the proclamation.

Banking and Financial Systems

First Place Joey Coto, Brenden Freeman and Jacob Katz

Second Place Calypso Gibaldi and Ines Michelena

Business Ethics

First Place Stephen Byrnes and Julie Rivo

Second Place Estefania Gaspari and Karla Rodriguez

Business Financial Plan

First Place Wendy Goya and Alessia Pizzorni

Business Mathematics

First Place Matthew Weithorn Second Place Amanda Epstein

Business Plan

First Place Brittany Bruce

Business Procedures

Second Place Sarabeth Beitchman

Third Place Jose Mora

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Computer Applications

Second Place Sandra Kusse

Desktop Publishing

First Place Xinyi Cheu and Maria Morales

Digital Video Production

First Place Renee Borschahukova, Christian Lemmik and Dyllon White

E-Business

First Place Daniel Rosenberg and Hannah Snitzer

Electronic Career Portfolio

Second Place Erica Graff

Emerging Business Issues

First Place Andrew Bass and Taylor Calibo

Entrepreneurship

First Place Caroline Kaine, Talia Robledo-Gil, and Daryl Stein

10:30:54 a.m.

PA5 Proclamation To Be Presented To Fire Chief Ed Del Favero In Recognition Of His Service To The City Of Miami Beach.

(City Manager's Office)

ACTION: Proclamation presented.

Jorge Gonzalez, City Manager, recognized Ed Del Favero for his accomplishments with the Fire Department from his beginnings as fire fighter to the pinnacle of his career as Fire Chief and congratulated him for a long and successful career and for a job well done.

Retired Chief Del Favero stated that he is very proud of his team and recognized the Fire Department for their work during the recent boat fire. He added that it has been a great career, and to sum it up, it has been "awesome."

10:42:49 a.m.

PA6 Proclamation To Be Presented Declaring April 2008 As National Donate Life Month In Miami Beach.

ACTION: Proclamation presented.

Jorge Gonzalez, City Manager, introduced the item.

Phyllis Shamis, retired City employee, introduced Rosetta Rolle Hylton, Community & Donor Family Services Coordinator, Life Alliance Organ Recovery Agency in Miami, to speak.

Ms. Rolle Hylton spoke and urged donors to register at www.DonateLifeFlorida.org or by calling 866-FL SHARE.

Handout or Reference Materials:

1. Donate Life Bag with booklets "You have the power to Donate Life" and flyers with a contact information.

10:35:47 a.m.

PA7 Proclamation To Be Presented Declaring May As Jewish American Heritage Month. (Requested by Commissioner Richard L. Steinberg)

ACTION: Proclamation presented.

Commissioner Steinberg introduced the item and gave background information on the leadership of Congresswoman Wasserman Schultz and Ms. Kerstein Zeriyitz in helping create the Jewish American Heritage Month.

Marsha Kerstein Zeriyitz, Executive Director, Jewish Museum, spoke.

Laurie Flynk, spoke on behalf of Congresswoman Debbie Wasserman Schultz and thanked the City Commission.

Commissioner Libbin thanked Congresswoman Wasserman Schultz.

Mayor Bower commended Marsha for her leadership and achievements, and commended the work that Congresswoman Wasserman Schultz has done in the community, not only with this issue, but for other issues as well.

Commissioner Steinberg, on behalf of the entire Commission, declared the month of May as Jewish American Heritage Month in Miami Beach.

New Item

9:59:36 a.m.

PA8 Certificates Of Appreciation To Be Presented To Miami Beach Fire Department Firefighters David Anderson, Zvi Hirsch And Alain Lopez For Their Outstanding And Courageous Work In Saving The Lives Of Two People While Their Boat Was Burning And Preventing The Expansion Of The Fire At The Miami Beach Marina On March 31, 2008.

(Mayor Matti Herrera Bower)

ACTION: Certificates presented. Item heard in conjunction with items PA9 and PA10. The following Miami Beach Fire Department fire fighters were recognized: David Anderson, Zvi Hirsch, (not present), Alan Lopez, and from Miami-Dade County Fire Department, Captain Mike Parker, Rineiro Cairo, Dennis Barnett, Nicholas Digiacomo; from the Police Department Officer Luis King; Mayor Bower also recognized civilians Matt Tambor, Eloy Dominguez, and Bouncer Smith, who are not present but deserve recognition.

Mayor Bower related the recent boat fire that occurred in Miami Beach and asked Acting Fire Chief Eric Yuhr to give details.

Acting Fire Chief Eric Yuhr stated that this incident is a rare event involving a large fiberglass boat that caught fire; and gave details regarding the actions taken at the incident. This was a massive effort for all of the people involved and a tremendous effort under difficult circumstances with lots of different agencies whom all deserve to be recognized and he is honored to stand as representative of the Miami Beach Fire Department. He introduced Chief Ray Barreto from Miami-Dade Fire Department.

Mayor Bower recognized former Police Chief Richard Barreto, who was not in attendance, and introduced his brother, County Fire Chief Ray Barreto.

Miami-Dade County Fire Chief Ray Barreto stated that this was a great team effort from the Police, Fire and also the civilians that helped. He thanked the men and women of the Miami Beach and Miami-Dade County Fire Departments for doing an outstanding job.

Mayor Bower expressed how impressed she was especially how the agencies and civilians worked together as a team.

9:59:36 a.m. 10:27:02 a.m. New Item

PA9 Certificates Of Appreciation To Be Presented To Miami Beach Police Department CID Unit Officer Luis King for his outstanding and courageous work in saving the lives of two people while their boat was burning and preventing the expansion of the fire at the Miami Beach Marina on March 31, 2008.

(Mayor Matti Herrera Bower)

ACTION: Certificates presented. See item PA8 for details.

Police Chief Carlos Noriega spoke.

New Item

PA10 Certificates Of Appreciation To Be Presented To Miami-Dade Fire Rescue Department to Captain Mike Parker, Fireboat 1 and Firefighters Rineiro Cairo, Dennis Barnett and Nicholas Digiacomo for their outstanding and courageous work in saving the lives of two people while their boat was burning and preventing the expansion of the fire at the Miami Beach Marina on March 31, 2008.

(Mayor Matti Herrera Bower)

ACTION: Certificates presented. See item PA8 for details.

New Item

PA11 Certificates Of Appreciation To Be Presented To Civilians Good Samaritans Matty Tambor, Eloy Dominguez and Bouncer Smith, Owner of 33 Feet Dusky, for their outstanding and courageous work in contributing to save the lives of two people while their boat was burning and transporting them into safety while the fire at the Miami Beach Marina on March 31, 2008.

(Mayor Matti Herrera Bower)

ACTION: Mr. Tambor, Mr. Dominguez, and Mr. Smith were not present at the Commission Meeting.

New Item:

10:15:22 a.m.

PA12 Proclamation Presented To The Miami Rescue Mission And Certificates of Appreciation Presented. (Commissioner Jerry Libbin)

ACTION: Proclamation and Certificates of Appreciation presented.

Commissioner Libbin stated that it was a privilege to attend the dedication ceremony of a new health clinic on behalf of Mayor Bower.

Marilyn Brummitt, Community Development for Miami Rescue Mission, spoke.

Commissioner Libbin proclaimed this day as *Miami Rescue Mission Day* in the City of Miami Beach on behalf of the City Commission and presented a Certificate of Appreciation to Enterprise Rent-A-Car for their generosity to this organization and recognized Michael Capponi for the \$30,000 donation from his group.

Michael Capponi informed the audience about the Hope Mobile program; which is a vehicle that will drive around different areas picking up homeless individuals, encouraging them to go to shelters, and giving them an opportunity to get their lives back.

Commissioner Steinberg commended the team for this effort.

Handout or Reference Materials:

1. Miami Rescue Mission, Inc., "The Caring Place" newsletter.

Note: Page 2 article Graduates Continue to Be Successful features Borinquen Hall while being honored by the City of Miami Beach Commissioners.

CONSENT AGENDA

ACTION: Motion made by Commissioner Wolfson to approve the Consent Agenda; seconded by Commissioner Libbin: Voice vote: 7-0.

C2 - Competitive Bid Reports

11:44:05 a.m.

C2A Request For Approval To Issue A Request For Proposals (RFP) For The Management And Operation Of An Outdoor Market On Ocean Terrace.

(Asset Management)

ACTION: Item separated for discussion by Mayor Bower.

Item deferred for a month and the Ocean Terrace, 42 Street group, and Collins Park referred to the Land Use and Development Committee. Motion made by Commissioner Libbin; seconded by Commissioner Wolfson; Voice vote: 7-0. Jorge Gomez to place on the committee agenda. Ana Cecilia Velasco to handle. Lilia Cardillo to place on the May 14 City Commission Agenda.

Mayor Bower requested to defer the item for a month to see if the different artist groups in Miami Beach and the Fine Arts Board can work together, and if something can be worked out, perhaps it could possibly increase revenues to the City with any revenues generated to be used for art grants.

Commissioner Libbin stated that Middle Beach is also interested in a market on 42nd Street.

Jorge Gonzalez, City Manager, stated that the Administration is looking at relocating the market on Lincoln Road to Collins Park and requested that this be included in the referral.

Commissioner Libbin suggested discussing all the areas at the same time.

C2B Request For Approval To Purchase One (1) 2008 International 4300 SBA 4x2 With An Altec LRV60RM Aerial Lift, From Sun State International Trucks, LLC, Pursuant To Florida State Contract No. 07-15-0827, In The Amount Of \$138,779.00, One (1) Tennant T-20 Rider Scrubber, From Tennant Sales And Service Company, Pursuant To Florida State Contract No. 365-001-06-1, In The Amount Of \$44,923.75, Two John Deere Gators With EMT Body From Highland Turf & Tractor, Pursuant To Florida State Contract No. 06-14-0827, In The Amount Of \$26,334.00, One (1) Tymco 435 Street Sweeper From Southern Sewer Equipment Sales, Pursuant To Florida State Contract No. 07-15-0827, In The Amount Of \$114,069.00.

(Fleet Management)

ACTION: Reguest authorized. Drew Terpak to handle.

C2C Request For Approval To Accept The City Manager's Recommendation Relative To The Ranking Of Bids Pursuant To Invitation To Bid (ITB) No. 07-07/08, For Long Distance Service Provider; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Bidder, Verizon Business; And Should The Administration Not Be Successful In Negotiating An Agreement With The Top-Ranked Bidder, Authorizing Negotiations With The Second-Ranked Bidder, Paetec; And Further Authorize The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration In The Estimated Annual Amount Of \$30,000.

(Information Technology)

ACTION: Request authorized. Gladys Acosta to handle.

C2D Request For Approval To Issue A Request For Qualifications (RFQ) For The Development And Update Of The Transportation Element Of The City Of Miami Beach Comprehensive Plan In Compliance With The Evaluation And Appraisal Report (EAR).

(Public Works)

ACTION: Reguest authorized. Gus Lopez to issue the RFQ. Fred Beckmann to handle.

11:08:39 a.m.

C2E Request For Approval To Award A Contract To Gisnet Telecom, Inc., Pursuant To Invitation To Bid (ITB) No. 47-06/07, For The Purchase And Installation Of Video Monitoring Equipment For City Garages, In The Estimated Amount Of \$373,212, Plus A 10% Contingency In The Amount Of \$37,321, For An Estimated Total Of \$410,533; And Further Adopt A Resolution To Appropriate Funds In The Amount Of \$66,920 From Parking Operations Fund No. 480.

(Parking Department)

ACTION: Item separated for discussion by Commissioner Libbin.

Award of contract approved. Motion made by Commissioner Steinberg to approve the item; seconded by Commissioner Wolfson; Voice vote; 6-1; Opposed: Commissioner Libbin. Patricia Walker to appropriate funds. Saul Frances to handle.

Motion made by Commission Tobin to refer to the Neighborhoods/Community Affairs Committee a discussion of the issue of crime cameras on Washington Avenue, Ocean Drive, the causeways and intersection traffic lights; seconded by Commissioner Steinberg; Voice vote: 7-0. Vivian Guzman to place on the agenda. **Robert Middaugh to handle**.

End

Commissioner Libbin asked if the monitoring in the garages will save on personnel cost. He would prefer deferring this item until he has all of the information. He added that he is not against this item but needs more information regarding savings.

Jorge Gonzalez, City Manager, stated that the cameras will not substitute entirely the need for personnel but it will perhaps allow for the reduction of personnel hours. Until the cameras are installed it is difficult to determine cost savings.

Commissioner Steinberg thanked the Administration for moving on this item.

Motion made by Commissioner Steinberg to approve the item; seconded by Commissioner Wolfson.

Discussion continued.

Motion made by Commissioner Tobin to refer to the Neighborhoods/Community Affairs Committee a discussion regarding the installation of cameras on Washington Avenue and Ocean Drive; seconded by Commissioner Steinberg; no vote taken and the discussion continued.

Commissioner Libbin requested to add to the referral the installation of cameras at the traffic lights and the entry and exit points to the City.

Commissioner Weithorn requested the City Manager contact Richard Kuper from the League of Cities in reference to the installation of cameras at the traffic lights. **Robert Middaugh to handle.**

Commissioner Steinberg recognized Doral Mayor J. C. Bermudez who has led the way on cameras on traffic lights.

Motion made by Commissioner Steinberg to approve the item; seconded by Commissioner Wolfson; Voice vote: 6-1; Opposed: Commissioner Libbin.

Motion made by Commission Tobin to refer to the Neighborhoods/Community Affairs Committee the issue of crime cameras perhaps on Washington Avenue and Ocean Drive. Discussion continued.

Commissioner Libbin requested the traffic light cameras be added to the referral and stated that he is not against cameras in the garages but needed more information before approving a \$400,000 expenditure.

Commissioner Tobin agreed to include cameras on traffic lights in the referral.

Vice-Mayor Gross requested to separate the two referrals because he is in favor of the traffic light cameras but not with cameras in the neighborhoods.

Motion restated by Commission Tobin to refer a discussion to the Neighborhoods/Community Affairs Committee the issues of crime cameras on Washington Avenue, Ocean Drive, the causeways and intersection traffic lights; seconded by Commissioner Wolfson; Voice vote: 7-0.

Handout or Reference Materials

1. Letter from Nicole Crespo, Secure Technologies, to Ms. Pamela Leja, Senior Procurement Specialist, dated April 14, 2008, RE: Protest to Invitation to Bid (ITB) No. 47-06/-7 for the purchase and installation of video monitoring equipment for City Garages.

C4 - Commission Committee Assignments

C4A Referral To Land Use And Development Committee - Discussion Regarding Pedestrian Traffic On Espanola Way And Ocean Drive.

(Requested by Commissioner Jonah Wolfson)

ACTION: Referred. Jorge Gomez to place on the committee agenda. Fred Beckmann to handle.

C4B Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding The Composition Of The Miami Beach Community Relations Board As Per City Code Sec 2-190-14, Which State That The Composition Of The Board Should Be Reviewed Every Two Years.

(Neighborhood Services)

ACTION: Referred. Vivian Guzman to place on the committee agenda. Barbara Hawayek to handle.

C4C Referral To The Finance And Citywide Project Committee - Discussion Of An Ordinance Implementing The Alternative Method Of Assessment For Historic Properties.

(Economic Development)

ACTION: Referred. Patricia Walker to place on the committee agenda. Kevin Crowder to handle.

C4D Referral To The Green Committee - Discussion Regarding A Modification To The City's Lighting Code.

(Requested by Commissioner Jerry Libbin)

ACTION: Referred. Robert Middaugh to place on the committee agenda. Robert Middaugh to

handle.

C4E Referral To The Land Use And Development Committee - Discussion Regarding Implementation Of Increased Activity In Mid Beach.

(Requested by Commissioner Jerry Libbin)

ACTION: Referred. Jorge Gomez to place on the committee agenda. Ana Cecilia Velasco to handle.

C4F Referral To The Land Use And Development Committee - Discussion Regarding The Current Use Of A Specific Tract Of Public Land On Biscayne Point In The Vicinity Of The Old Bridge.

(Requested by Commissioner Jonah Wolfson)

ACTION: Referred. Jorge Gomez to place on the committee agenda. Fred Beckmann to handle.

C4G Referral To The Land Use And Development Committee And The Planning Board - Discussion Regarding Hotel Parking.

(Requested by Commissioner Deede Weithorn)

ACTION: Referred. Jorge Gomez to place on the committee agenda and handle.

10:59:50 a.m.

C4H Referral To The Green Committee - Discussion Regarding The Requirement Of All Future Buildings In The City That Are 50,000 Square Feet Or Larger Being Silver LEED Certified (Leadership In Energy And Environmental Design).

(Requested by Commissioner Jerry Libbin)

ACTION: Item separated for discussion by Commissioner Tobin. Referred as amended. Motion made by Commissioner Libbin; seconded by Commissioner Tobin; Voice vote: 7-0. Robert Middaugh to place on the committee agenda and to handle.

Amendment:

Commissioner Tobin stated that this item addresses future buildings which are 50,000 square feet or larger and asked the Green Committee to also consider giving some benefit to assist residents in making their homes environmentally certified and perhaps making the process easier in the Building Department to assist people who are doing greening on residential properties or buildings less than 50,000 square feet.

End

Vice-Mayor Gross stated that this item was already on the Green Committee agenda.

Commissioner Weithorn stated that Harvey Ruvin, Miami-Dade County Clerk, has a coastal and climate change taskforce looking at issues like this. She has been appointed by the Miami-Dade League of Cities to promote all municipalities to begin looking at green initiatives.

10:58:00 a.m.

C4I Referral To The Special Neighborhoods/Community Affairs Committee - Discussion Regarding Election Related Items.

(Requested by Commissioner Richard L. Steinberg)

ACTION: Referred via Consent Agenda. Vivian Guzman to place on the committee. Legal and R. Parcher to handle.

Commissioner Libbin stated that Commissioner Steinberg listed a number of election items to be discussed at a special meeting to be scheduled in May to discuss ethics and elections issues, etc. He stated that other Commissioners may want to add items to the agenda and asked when items can be submitted to be placed on the agenda.

Jorge Gonzalez, City Manager, suggested that additional items should be sent to the City Manager's office by the beginning of May, and his office will prepare and distribute the agenda in advance of the meeting. **Vivian Guzman to handle.**

C6 - Commission Committee Reports

C6A Report Of The G.O. Bond Oversight Committee Meeting On March 3, 2008: **1)** Project Status Report: A. Update On Fire Station No. 2; **2)** Project Status Report - Middle Beach Projects Funded Through G.O. Bonds; **3)** Project Status Report - Projects Currently In Construction Funded Through G.O. Bonds; And **4)** Old Business.

ACTION:

Item No. 1:

A. Update on Fire Station No.2:

Three final inspections are pending. CIP is confident that we will meet substantial completion by the end of the first quarter.

Item No. 2:

Nautilus Neighborhood Improvements

Water installation and other installations are complete in Orchard Park. Bike Lanes are being installed in Orchard Park and almost complete. In Nautilus West, water main installation is nearly complete.

Oceanfront Neighborhood Improvements (Street-ends from 23rd to 44th Streets)

This project is essentially complete and the contractor is addressing punch-list items.

Scott Rakow Youth Center

The initial part of the project – renovation of pool equipment – is almost complete. The next phases will be handled in such a way so that the Center can remain open during construction.

LaGorce Neighborhood Improvements

This project is on-hold as funding from this project was reallocated.

Lake Pancoast ROW Improvements

Some funds may be advanced towards this project.

Lower North Bay Road ROW Improvements

As with the Lake Pancoast project, some funds may be advanced towards this project, with the approval of the Budget Director. This is pending final pricing.

Muss Park

This is in design and is close to 100%. Improvements include upgrades to the restrooms and ADA access to the restrooms.

Public Works Facility

This project has never been decided upon in terms of scope and funding. It is on hold pending direction from the Administration.

Item No.3:

Altos Del Mar Park

The park is getting more use and residents are pleased with the improvements.

Beachfront Restrooms

21st, 63rd, 46th complete. Design for 35th is close to 100%.

Belle Isle Park

This project is approaching completion. Completion is expected before July.

The County had asked that the SW corner be reconfigured and construction continues at that corner.

Belle Isle Neighborhood Streetscape

A meeting was held with residents on February 6. Signage was a concern, and most of those concerns have been addressed.

Lummus Streetscape Improvements

This project will be complete this summer. The improvements include sidewalk replacement, lighting and paving.

Normandy Isle & Normandie Sud Neighborhood Improvements

Water mains have already been installed in several streets.

Normandy Shores Neighborhood Improvements

The new contractor is performing well. The work is moving faster and of better quality.

Normandy Shores Golf Course

In order to facilitate construction, drainage along the south side of Fairway Drive was awarded to the golf course contractor. The work has moved very swiftly. After the Basamid herbicide is applied, the grass will be installed. The restrooms and maintenance building have been completed. The cart barn is under construction.

Normandy Shores Clubhouse

The clubhouse will be demolished, as per direction from DRB and the Commission, down to the piles. Studies will determine if the piles can be reused. The building will be replicated to look like the original.

South Pointe Park

The contractor is on schedule. The buildings have been roofed. Drainage is complete and the cutwalk is almost completed.

Item No. 4:

No Old Business listed in the report.

C6B Report Of The Finance And Citywide Projects Committee On March 6, 2008: 1) Discussion And Update Regarding Artist Paul Fullerton's Corona Del Mar Public Art Project; 2) Update Discussion To Determine, Within 30-Days, If It Is In The City's Best Interest To Continue With The Rehabilitation Of The Normandy Shores Golf Course Clubhouse Or Construct A New Facility; 3) Discussion Regarding The Professional Services Agreement For State Legislative Services; 4) Discussion Of A Parking Garage In The Area Of Maurice Gibb Park And Sunset Harbor; And 5) Proposed E-Governance And Accountability Task Force.

ACTION:

Item No.1:

Staff recommended the City's Legal Department pursue all avenues of recourse to collect the \$70,000 that has been paid to Mr. Fullerton, and that the remaining \$30,000 is used to conduct a new Call to Artists to screen the electrical boxes at the Thirds Street and Washington Avenue Plaza.

City Clerk's Note: <u>Legal Department to handle.</u>

Item No. 2:

Commissioner Ed Tobin, City Manager Jorge Gonzalez, and CIP Director Jorge Chartrand will meet with Architecknics to negotiate a reduction in the fee being charged for the Normandy Shores Golf Course Club House.

Item No. 3:

Issue Request for Proposal (RFP) for a two year contract with two, two year renewal options.

City Clerk's Note: Kevin Crowder to handle.

Item No. 4:

Move forward with the analysis of the project and spend no more than fifty thousand dollars and bring it back to the Finance and Citywide Projects Committee in 90 days with a more structural agreement.

City Clerk's Note: Tim Hemstreet to handle.

Item No.5:

The Mayor's Office to form an ad-hoc committee for E-Government allowing them one month to form the Committee and three months to come back with recommendations.

City Clerk's Note: Patricia Walker and Robert Parcher to handle.

Report Of The Land Use And Development Committee Meeting On March 10, 2008: 1) Discussion Regarding The Issue Of Short Term Rental Of Single Family Homes; 2) Discussion Of Potential Amendments To The Parking Ordinance (Discussion On Options That Address Parking Demands In Residential Neighborhoods As A Result Of Commercial Use Of Homes Or Other Large Events); 3) Discussion On 5600 La Gorce Drive, Regarding The Swimming Pool And At Grade Concrete Pool Deck, A Portion Of Which Is Constructed Over A Utility Easement And Into The GC, Golf Course District; 4) Discussion Of A Resolution Urging The Miami-Dade County Board Of County Commissioners To Include Provisions In The Port Tunnel Plans To Protect The Historic Venetian Causeway From Noise And Traffic; And 5) Discussion Of The Noise Ordinance.

ACTION:

Item No. 1:

Item not reached.

Item No. 2:

Robert C. Middaugh, City Manager's Office, reported back to the Committee on his outreach to the effected Homeowner's Associations, wherein he discussed options to address their concerns relative to parking. The Homeowner's Associations expressed a desire to not have any legislative assistance dealing with the parking issues in their neighborhoods. It was suggested in the alternative that, the City allows time for the recently enacted Ordinance dealing with commercial use of residential property to be implemented and evaluate its impact. It was stated by the Homeowner's Associations that they believe this Ordinance will address the majority of their concerns. The Committee accepted this finding and no further action is necessary at this time.

Item No. 3:

(3-0) A resolution regarding the matter was presented to the Committee. The Committee was favorable with the overall timeframe to remove the swimming pool. The Committee instructed the Administration to commence negotiating the details of the proposed resolution for this issue. Legal will present the Agreement to the full Commission.

City Clerk's note: See Agenda item R7B – Carlo Gambino.

Item No. 4:

Representatives from FDOT gave an overview of how noise impacts would be addressed by the contractor hired to perform work on this project. The Committee requested the City Manager and the City Attorney's Office to prepare a letter requesting the following:

- In order to establish a baseline for the purposes of monitoring noise impacts during construction, an additional monitoring site within the city limits of Miami Beach be added;
- Propose that the Contractor agrees to abide by the Miami Beach Noise Ordinance and Special Masters enforcement procedures;
- · Add the City of Miami Beach as an additional insured; and
- Request that an additional section be added to the Contract addressing any damage impacts to properties located within the jurisdiction of Miami Beach.

City Clerk's Note: **Fred Beckmann to handle.**

Item No. 5:

There was a discussion regarding the Noise Ordinance (this item was not reached at a previous meeting and was inadvertently left off the agenda. However, due to the presence of various interested persons, the item was discussed). Several members of the public commented on the number of cases closed as invalid, as reflected in the 18 month report of the implementation of the

noise Ordinance that was distributed in January. Documents were referenced that had been previously distributed by a resident regarding proposed amendments to the Noise ordinance. Hilda Fernandez, Manager's Office, explained that an analysis of the cases closed as invalid will be conducted and presented to the committee at their next meeting, as well as an analysis of any proposed changes to the ordinance.

City Clerk's Note: Hilda Fernandez to handle.

Report Of The Neighborhoods/Community Affairs Committee Meeting On March 26, 2008: 1) Discussion To Deassess The "Red Sea Road" Sculpture Designed By Artist Barbara Neijna, As Recommended By The Art In Public Places Committee; 2) Discussion Regarding An Ordinance Amending Chapter 10 Of The Miami Beach City Code Entitled "Animals," By Amending Sections 10-1 Through 10-5, 10-11, 10-13, And 10-14 To Provide For The Enforcement Of Violations Of Chapter 10 Via Notices Of Violations And Special Master Procedures; Amending The Definitions, Fines, Penalties, And Enforcement Provisions In Chapter 10; And Providing For Repealer, Severability, Codification, And An Effective Date; 3) Discussion Regarding Renaming Of The North Shore Youth Center; 4) Discussion Regarding The Current Availability Of Disabled Parking Spaces In The Vicinity Of City Hall; 5) Discussion Regarding Bicycle Lanes On Alton Road; 6) Discussion Regarding Renaming 71st Street To Henri Levy Boulevard; 7) Discussion Regarding A Resolution Regarding Wheelchair Lift Maintenance; 8) Discussion Regarding Panhandling/Solicitation In School Zones.

ACTION:

Item No. 1:

The committee unanimously moved to refer the item to the Art in Public Places committee to discuss the location of the work of art.

City Clerk's Note: **Dennis Leyva to handle.**

Item No. 2:

The committee moved to bring the ordinance back as-is to the next meeting of the City Commission for second reading.

City Clerk's Note: See Agenda item R5C.

Item No. 3:

The Committee moved to recommend to the City Commission the naming of a room within the North Shore Youth Center after Joe and Flora Fontana.

City Clerk's Note: See Agenda item C71.

Item No. 4:

The committee made no motion on this item.

Item No. 5:

The committee made no motion. However, FDOT and ART will meet to discuss possible options and provide a report to the Commissioner prior to the April 16, 2008 meeting of the city Commission. Additionally, the committee requested that a report from Fred Beckmann regarding the intersection related to the bike path at 16th Street and Alton Road be added as an item for the next neighborhoods/Community Affairs Committee meeting in April.

City Clerk's Note: Fred Beckmann to handle.

Item No. 6:

The Committee unanimously moved to recommend to the City Commission to pass a resolution supporting the co-designation of 71st Street as Henry Levy Boulevard.

City Clerk's Note: See Agenda Item C7F

Item No. 7:

The Committee moved to recommend this item to the City Commission.

City Clerk's Note: <u>Tim Hemstreet to handle.</u>

Item No. 8:

The Committee unanimously moved to direct the Legal Department to tighten up the panhandling/solicitation ordinance to include school zone areas.

City Clerk's Note: <u>Legal Department to handle.</u>

Additional Discussion:

Commissioner Libbin requested to bring up an item that he believes was discussed at a previous meeting of this committee regarding the issue of noise violations and his request for answers to some his questions that were raised. Ms. Fernandez explained that the discussion he was referring to happened during a Land Use Committee meeting and the information he had requested will be ready and presented at the next meeting of that committee.

City Clerk's Note: Hilda Fernandez to handle.

C7 - Resolutions

11:43:16 a.m.

C7A A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Second Amendment To The Amended And Restated Beachfront Concession Agreement Between The City And Boucher Brothers Miami Beach, LLC, Dated May 18, 2005, For The Operation And Management Of Beachfront Concessions On The Beaches Seaward Of Lummus Park, Ocean Terrace, And North Shore Open Space Park; Said Amendment Providing For The Addition Of A Concession Area Adjacent To Bandshell Park, Located On Collins Avenue Between 72nd And 73rd Streets.

(Asset Management)

ACTION: Item separated for discussion by Commissioner Weithorn to announce a voting conflict. **Resolution No. 2008-26788 adopted.** Motion made by Commissioner Libbin; seconded by Commissioner Wolfson; Voice vote: 6-0; Abstained: Commissioner Weithorn. Ana Cecilia Velasco to handle.

Handout or Reference Material

1. Form 8B filed by Commissioner Weithorn

C7B A Resolution Approving And Authorizing The City Manager And City Clerk To Execute Sovereignty Submerged Lands Lease No. 130037916 Renewal Modification Between The City And The Board Of Trustees Of The Internal Improvement Trust Fund Of The State Of Florida, For The Docking Facility Adjacent To The Police Substation, Located At 6860 Indian Creek Drive, For A Period Of Five (5) Years, Retroactively Commencing On May 17, 2007, And Ending On May 16, 2012 (Asset Management)

ACTION: Resolution No. 2008-26789 adopted. Ana Cecilia Velasco to handle.

11:01:56 a.m.

C7C A Resolution Retroactively Approving And Authorizing The City Manager Or His Designee To Submit The Following Grant Funding Requests: 1) The Children's Trust For Fiscal Year 2008/09 Funding, In An Amount Not To Exceed \$240,000, For The City's Youth Empowerment Network Program; 2) Assistance To Firefighters Grant, In An Amount Not To Exceed \$137,000, For A Diesel Extraction System; And, 3) Florida Inland Navigation District Grant, In An Amount Not To Exceed \$325,000, For Funding For The Rebuilding Of South Pointe Park Pier; Further Appropriating All The Above Grants And Matching Funds, If Approved And Accepted By The City; And Authorizing The Execution Of All Necessary Documents Related To These Applications By The City Manager Or His Designee.

(Budget & Performance Improvement)

ACTION: Item separated for discussion by Commissioner Tobin.

- 1. Resolution No. 2008-26790 adopted and the item on the construction of the pier referred to the Finance and Citywide Projects Committee. Motion made by Commissioner Weithorn; seconded by Commissioner Wolfson; Voice vote: 7-0. Patricia Walker to appropriate the grants if approved and accepted. Judy Hoanshelt to handle.
- 2. **Referred**: Patricia Walker to place on the Finance and Citywide Projects Committee Agenda. Jorge Chartrand to handle.

End

Commissioner Tobin asked to consider referring the issue of the pier and the new design to the Neighborhoods/Community Affairs Committee. His constituents want a great pier and one where people can fish. He asked to pass this resolution but refer the construction of a new pier to a committee and invite the public.

Vice-Mayor Gross stated that the Finance and Citywide Projects Committee met extensively on the construction of the pier. There were four (4) different pier configurations presented. The Committee recommended the most expensive design.

Jorge Gonzalez, City Manager, stated that the design the Finance and Citywide Projects Committee endorsed may not be the vision Commissioner Tobin and his constituents are seeking. The residents in the area have had discussions about the pier and the issue is how do Commissioner Tobin's ideas get introduced into the conversation and reach a compromise. After the direction from the Finance meeting the Administration asked the architect to do the next level of schematic design and cost estimating.

Discussion continued.

Commissioner Tobin stated that not only the people in the general area but others in the community would like to have input into the design of the pier. He also added that there is a Florida Statute where the State will pay for the renovation of a pier if the pier provides fishing.

Jorge Gonzalez, City Manager, stated that his conversation with Commissioner Tobin prompted the

research which identified the grant in today's agenda and there may be additional money available.

Commissioner Tobin requested to be notified about a week in advance of the meeting. **Jorge Chartrand to handle.**

C7D A Resolution Approving And Authorizing The City Manager Or His Designee To Execute Supplement One To The Joint Participation Agreement Between The State Of Florida Department Of Transportation And The City Of Miami Beach For Signalization Improvements On State Road A1A, At 7th, 8th, And 9th Streets, Providing Additional Funding To The City In The Amount Of \$73,087, For Additional Expenses Incurred By The City Related To This Project.

(Budget & Performance Improvement)

ACTION: Resolution No. 2008-26791 adopted. Kathie Brooks to handle.

C7E A Resolution Setting The First Public Hearing Of A Development Agreement Between The City Of Miami Beach And Berkowitz Development Group, Inc., For The Construction Of Public Right-Of-Way Infrastructure Improvements On Lenox Avenue And On Sixth Street.

(Economic Development)

ACTION: Resolution No. 2008-26792 adopted. First Reading and Public Hearing scheduled for May 14, 2008. Robert Parcher to notice. Lilia Cardillo to place on the City Commission Agenda. Kevin Crowder to handle.

C7F A Resolution Supporting The Co-Designation Of 71st Street Between Collins Avenue And Bay Drive As "Henri Levy Boulevard"; Further Supporting Amendments To House Bill 1465 And Senate Bill 2672 To Accomplish Said Co-Designation.

(Economic Development)

ACTION: Resolution No. 2008-26793 adopted. Kevin Crowder to handle.

11:28:03 a.m.

C7G A Resolution Approving The Purchase And Installation Of Pay On Foot (POF) Stations In The 7th Street Parking Garage From Consolidated Parking Equipment, As The City's Approved Sole Source Provider, In The Estimated Amount Of \$375,000.00; And Authorizing The Appropriation Of Funds, In The Amount Of \$125,000, From Parking Revenue Fund 142, With \$250,000 Previously Appropriated During The Fiscal Year 2006/07 Capital Budget.

(Parking Department)

ACTION: Item separated for discussion by Commissioner Libbin.

- 1. **Resolution No. 2008-26794 adopted**. Motion made by Commissioner Libbin; seconded by Vice-Mayor Gross to approve the item; Voice vote: 7-0. Patricia Walker to appropriate the funds. Saul Frances to handle.
- 2. Motion made by Vice-Mayor Gross to refer the issue of the parking rates to the Neighborhoods/Community Affairs Committee; the discussion to include citywide parking discounts for residents; seconded by Commissioner Wolfson; Voice vote 7-0. Vivian Guzman to place on the Agenda. Saul Frances to handle.

End

Commissioner Libbin stated that he separated this item because he has had a number of community

meetings over the last couple of months throughout the City and one of the recurring comments is the cost of parking and bringing back the debit card where it allowed a refund for unused parking time. He requested the Administration to explain to the citizens the different options for paying for parking and what the future options are.

Jorge Gonzalez, City Manager, explained that the City is trying to provide the ability to pay for parking as simple and convenient as possible whether it's cash, credit, debit, or whatever. In the pass the City had a debit card which was very popular but represented about 6% or 7% of the total collection. The use of credit cards is the method growing in popularity. He explained that there are four different types of parking/pay solutions.

Motion made by Commissioner Libbin; seconded by Vice-Mayor Gross. Discussion continued.

Vice-Mayor Gross asked for clarification regarding the increase in parking rates in the Lincoln Road area. He stated that he thought the increase to \$20 was only for special events. He asked if the increase is for all lots, all the time.

Saul Frances, Parking Department Director, stated that the rate is \$15 and it applies to only the garages, all the time. He explained the rates structure.

Vote on the approval of the item; Voice vote: 7-0.

Motion made by Vice-Mayor Gross to refer the issue of the parking rates to the Neighborhoods/Community Affairs Committee; seconded by Commissioner Wolfson; Voice vote 7-0.

Commissioner Tobin and Commissioner Libbin asked if the referral could encompass giving citywide parking discounts for residents; which was approved.

C7H A Resolution Authorizing The Acceptance Of A Donation In The Amount Of \$20,900 From The Palm, Star, Hibiscus Islands Association To The City's Parks And Recreation Department For The Purchase And Installation Of LED Accent Lighting For The Hibiscus Island Marquee At The Entrance To Hibiscus Island; Further Appropriating And Authorizing The Expenditure Of These Funds For Said Project.

(Parks & Recreation)

ACTION: Resolution No. 2008-26795 adopted. Patricia Walker to appropriate the funds. Kevin Smith to handle.

C7I A Resolution Setting A Public Hearing As Required Pursuant To Section 82-503 Of The City Code, To Consider The Naming Of An Interior Portion Of The North Shore Youth Center In Memory Of Joe And Flora Fontana.

(Parks & Recreation)

ACTION: Resolution No. 2008-26796 adopted. Public Hearing scheduled for May 14, 2008. Robert Parcher to notice. Lilia Cardillo to place on the City Commission Agenda. Kevin Smith to handle.

C7J A Resolution Authorizing The Mayor And City Clerk To Execute A Mutual Aid Agreement With Broward County, Florida, For The Purpose Of Coordinating Law Enforcement Planning, Operations, And Mutual Aid Benefit Between The City Of Miami Beach And Broward County.

(Police Department)

ACTION: Resolution No. 2008-26797 adopted. Chief Noriega to handle.

C7K A Resolution Adopting And Appropriating The Second Amendment To The Police Confiscation Trust Fund Budget For The Fiscal Year 2007/08 In The Amount Of \$182,800 To Be Funded From The Proceeds Of State (\$55,300) And Federal-Treasury (\$127,500) Confiscated Funds.

(Police Department)

ACTION: Resolution No. 2008-26798 adopted. Patricia Walker to appropriate the funds. Chief Noriega to handle.

C7L A Resolution Adopting And Appropriating The Second Budget Amendment To The Police Special Revenue Account For Fiscal Year 2007/08 In The Amount Of \$26,500, Such Account Funded By Unclaimed Evidence Currently Held In The Police Special Revenue Account.

(Police Department)

ACTION: Resolution No. 2008-26799 adopted. Patricia Walker to appropriate the funds. Chief Noriega to handle.

C7M A Resolution Approving The Purchase Of Water Meters And Parts, From Sensus Metering Systems, Inc., The City Approved Sole-Source Provider, In The Estimated Annual Amount Of \$150,000. (Public Works)

ACTION: Resolution No. 2008-26800 adopted. Fred Beckmann to handle.

C7N A Resolution Ratifying A Contract To Laumar Roofing Service, Inc., To Provide For Sectional Re-Roofing And Roof Repairs At The Historic City Hall Building, In The Amount Of \$163,770, From The Previously Appropriated Fiscal Year 2006/07 Capital Reserve Fund 304 And FEMA Hurricane Wilma Repairs Account.

(Public Works)

ACTION: Resolution No. 2008-26801 adopted.

C7O A Resolution Ratifying A Contract Change Orders, In The Total Amount Of \$119,065, To FXP Corporation To Provide For The Replacement Of Fifteen (15) Exhaust Fans And Intake Vents, Three (3) Air Handing Units, And Selected Air Conditioning System And Air Conditioning Units At The Historic City Hall.

(Public Works)

ACTION: Resolution No. 2008-26802 adopted.

C7P A Resolution Ratifying A Contract Change Order To National Concrete Preservation Inc., To Provide For Interior Beam And Column Repairs At Historic City Hall, In The Amount Of \$185,651; The Additional Work Was Funded From The Previously Appropriated Fiscal Year 2004/05, 2005/06, 2006/07 Capital Renewal And Replacement Budget Contingencies.

(Public Works)

ACTION: Resolution No. 2008-26803 adopted.

C7Q A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 4 To The Agreement Between The City Of Miami Beach And Hiller Group Architecture, New Jersey, Inc., Dated April 30, 2003 For Professional Consulting Services For The Citywide Wayfinding Signage System; Said Amendment, In An Amount No To Exceed \$66,960, For The Provision Of Additional Professional Services For Final A/E Design Services For Preparation Of The Construction Drawings And Specifications For The Gateway Sign Located On The MacArthur Causeway.

(Public Works)

ACTION: Resolution No. 2008-26804 adopted. Fred Beckmann to handle.

C7R A Resolution Retroactively Authorizing The City Manager To Enter Into An Agreement Between The City Of Miami Beach And Evolution Film And Tape, Inc. For The Production Of A Reality Television Series Entitled "Ocean Force"; And Further Accepting The Donation Of A Beach Vehicle.

(Tourism & Cultural Development)

ACTION: Resolution No. 2008-26805 adopted. Max Sklar to handle.

11:37:54 a.m.

C7S A Resolution Affirming The City Of Miami Beach Clean Team's Participation And Attendance At The American Society For Quality 2008 World Conference On Quality And Improvement As Serving A Public Purpose; Authorizing The Acceptance Of Donations Made To The City For This City Project, As Set Forth In This Resolution; Further Authorizing The City Manager To Accept Future Donations, On Behalf Of The City For This Purpose; And Authorizing The City Manager Or His Designee To Make Such Expenditures And / Or Reimbursements From The Aforestated Project (City Manager's Office)

ACTION: Item separated for discussion by Vice-Mayor Gross. Resolution No. 2008-26806 adopted as amended. Motion made by Vice-Mayor Gross; seconded by Commissioner Tobin: Voice vote: 7-0. Dolores Mejia to handle.

Amendment:

- 1. The City and the Chamber, if collecting on behalf of the City, do not accept money from City vendors.
- 2. The airfare provided by the Greater Miami Convention & Visitors Bureau is approved.

End

Vice-Mayor Gross stated that he separated this item for two reasons: 1) to recognize the City's Sanitation Department for their fine efforts and explained the measure index, and 2) he has a problem with the funding to attend conferences being raised through the Chamber of Commerce and donations coming from city vendors that have contracts coming up for approval. He stated that this is a worth program but another source of funding to attend the conference needs to be found.

Jorge Gonzalez, City Manager, stated that this is good recognition for the City and he wanted to

encourage the team but couldn't justify spending the \$15,000. The Chamber was approached, because they have partnered with the City in the past. The Chamber contacted local business who do sanitation work and received contributions. He still encourages the team to go to Houston and will try to find a different source of funding.

Vice-Mayor Gross stated that as a general principle the City should not take money from vendors.

The Commission expressed that they were okay with accepting the airfare from the Bureau.

End of Consent Agenda

REGULAR AGENDA

R2 - Competitive Bid Reports

11:52:30 a.m.

R2A Request For Approval To Purchase, Two (2) Medtec Ambulances And One (1) Pierce Custom Pumper From Ten-8 Fire Equipment, Inc., Pursuant To Florida State Contract No. 07-07-0828, In The Amount Of \$940,346.00.

(Fleet Management)

ACTION: Request Authorized. Motion made by Commissioner Libbin; seconded by Commissioner Steinberg; Voice Vote: 7-0. Drew Terpak to handle.

11:52:50 a.m.

Request For Approval To Purchase Nine (9) 2008 Ford Explorers, Two (2) 2008 Ford Explorer Sport R2B Tracs, Twelve (12) 2008 Ford Fusions, One (1) 2008 Ford F-350 Flat Bed, One (1) 2008 Ford Expedition, From Duval Ford, Pursuant To Florida State Contract No. 06-14-0821, In The Amount Of \$508,859.00; One (1) 2008 Toyota Highlander Hybrid, From Alan Jay Import Center, Pursuant To Florida State Contract No. 07-15-0827, In The Amount Of \$36,785.00; One (1) 2008 Toyota Prius, From Alan Jay Import Center, Pursuant To Florida State Contract No. 06-14-0821, In The Amount Of \$23,383.00; Five (5) 2008 Ford Taurus, From Orville Beckford Ford-Mercury, Pursuant To Florida State Contract No. 06-14-0821, In The Amount Of \$97,205.00; One (1) 2008 Ford E-250 Cargo Van And One (1) 2008 Ford E-150 Van, From Duval Ford, Pursuant To Florida State Contract No. 07-15-0827, In The Amount Of \$34,800.00; Eleven (11) Chevrolet Impalas, From Garber Chevrolet, Buick, Pontiac & GMC Trucks, Inc, Pursuant To Florida State Contract No. 07-15-0827, In The Amount Of \$184,061.00; One (1) 2008 Chevrolet Impala, From Garber Chevrolet, Buick, Pontiac & GMC Truck, Pursuant To Florida State Contract 07-15-0827, In The Amount Of \$17,912.00; And, One (1) 2008 Ford Crown Victoria, From Duval Ford, Pursuant To Florida State Contract No. 07-15-0827, In The Amount Of \$21,248.00.

(Fleet Management)

ACTION: Request Authorized. Motion made by Commissioner Libbin; seconded by Commissioner Steinberg; Voice Vote: 7-0. Drew Terpak to handle.

R5 - Ordinances

11:55:29 a.m.

R5A An Ordinance Deleting, In Its Entirety, Article III, Division 28, Section 2-190.127 Of The Miami Beach Code, Which Established The General Obligation Bond Oversight Committee, And Replacing Same With A New Section 2-190.127; Said New Section Sunsetting The General Obligation Bond Oversight Committee And Replacing It With A New Committee, To Be Know As The Capital Improvements Projects Oversight Committee; Further Establishing The Purpose And Membership Composition For Said New Committee; And Providing For Codification; Repealer; Severability; And An Effective Date. 10:15 a.m. Second Reading Public Hearing.

(Requested by Commissioner Deede Weithorn/City Attorney's Office)
(First Reading on March 12, 2008)

ACTION: Public Hearing held. Ordinance No. 2008-3603 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Wolfson; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. Robert Parcher to update the Board and Committee Report. Jorge Chartrand to prepare for the meeting.

Commissioner Weithorn urged the Commission to start looking for names to appoint at the May meeting and hold the first meeting of the new committee in June.

Vice-Mayor Gross asked how the nomination process will work.

Jorge Gonzalez, City Manager, recommended that Commission submit names. An LTC will be sent identifying the committee categories.

Commissioner Weithorn read the categories and requested that anyone interested should contact the Mayor and Commissioner's Office.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 483

11:58:50 a.m.

R5B Urban Light Industrial District (I-1)

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Division 11, "I-1 Light Industrial District," By Clarifying Purpose And Permitted Uses; Amending Chapter 130, "Off-Street Parking," Article III, "Design Standards," By Adding The I-1 District As A District Permitting Garages As A Main Use; Providing For Repealer, Severability, Codification And An Effective Date. 10:30 a.m. First Reading Public Hearing.

(Planning Department)

ACTION: First Reading Public Hearing held. Motion made by Commissioner Weithorn; seconded by Commissioner Libbin; Ballot vote: 6-0; Abstained: Commissioner Tobin, who declared a voting conflict. Second Reading and Second Public Hearing scheduled for May 14, 2008. R. Parcher to notice. Lilia Cardillo to place on the City Commission Agenda. **Jorge Gomez to handle.**

Jorge Gomez, Planning Director, introduced the item.

Robert Parcher, City Clerk, stated that the Time Certain sheet lists the item as a second reading when it is actually a first reading public hearing.

Handout or Reference Materials:

- 1. Ad in The Miami Herald Ad # 484
- 2. Color printout of Attachment B Sunset Harbor Land Use
- 3. Form 8B filed by Commissioner Tobin

6:43:13 p.m.

An Ordinance Amending Chapter 10 Of The Miami Beach City Code Entitled "Animals," By Amending Sections 10-1 Through 10-5, 10-11, 10-13, And 10-14 To Provide For The Enforcement Of Violations Of Chapter 10 Via Notices Of Violations And Special Master Procedures; Amending The Definitions, Fines, Penalties, And Enforcement Provisions In Chapter 10; And Providing For Repealer, Severability, Codification, And An Effective Date. 5:01 p.m. Second Reading Public Hearing (City Manager's Office)

(First Reading on March 12, 2008)

ACTION: Public Hearing held. Ordinance No. 2008-3604 adopted. Motion made by Commissioner Libbin; seconded by Commissioner Steinberg; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. **Hilda Fernandez to handle.**

Deborah Turner, First Assistant City Attorney, and Hilda Fernandez, Assistant City Manager, explained the ordinance.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 483

5:46:06 p.m.

An Ordinance Amending Chapter 2 Of The Miami Beach City Code, Creating Division 12.5 Thereof Entitled "Affordable Housing Advisory Committee," Section 2-167 Thereof Providing For Said Committee's Powers And Duties, Composition And Membership; Providing For Repealer, Severability, Codification, And An Effective Date. First Reading.

(Neighborhood Services)

ACTION: Ordinance approved on First Reading. Motion made by Commissioner Steinberg; seconded by Commissioner Libbin; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for May 14, 2008. R. Parcher to notice. Lilia Cardillo to place on the City Commission Agenda. **Vivian Guzman to handle.**

5:47:17 p.m.

Supplemental Materials - Ordinance

An Ordinance Amending Section 106-55(N) Of The City Code, Entitled "Hybrid/ILEV (Inherently Low Emissions Vehicles) Vehicles Incentive," To Provide For A Reduction Of The Cost Of The Hybrid Citywide Decal From \$365.00 To \$100.00 Per Year; An Increase In The Discount Afforded To Qualifying Vehicles On Monthly Parking Permits In City Parking Facilities And For Residential Parking Permit Holders From 25% To 50%; And Providing That The 500 Citywide On-Street Parking Decals, Currently Available To Registered Hybrid/ILEV Vehicles On A First-Come, First Served Basis, Shall Also Be Honored At City-Owned Surface Parking Lots (In Addition To On-Street Metered Spaces); Providing For Repealer, Severability, And An Effective Date. First Reading.

(Requested by Commissioner Richard L. Steinberg/City Attorney's Office)

ACTION: Ordinance approved on First Reading as amended. Motion made by Commissioner Steinberg; seconded by Vice-Mayor Gross; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for May 14, 2008. R. Parcher to notice. Lilia Cardillo to place on the City Commission Agenda. Patricia Walker to place on the committee agenda and handle.

Amendment:

- 1. 500 citywide on-street parking decals changed to 250 for hybrid cars (Ordinance Change).
- 2. Refer the other 250 space to the Finance and Citywide Projects Committee for discussion on how to allocate. Saul Frances to handle
- 3. In the interim, for those that already have the hybrid decals also allow them to park in the city lots.

End

Commissioner Steinberg introduced the item and stated that there have been six (6) citywide permits, two (2) residential permits, and two (2) municipal permits issued as a result of a previous ordinance for a total of ten (10) permits.

Mayor Bower stated that having a hybrid vehicle is wonderful, but in the past she has requested parking discount for workers in Miami Beach who make minimum wages and cannot afford the daily parking rates. She asked if the same discount could be given to those workers.

Patricia Walker, Chief Financial Officer, stated that she has spoken with the City's bond and tax counsels because of bond covenants. Discounts need to be carefully considered and further indicated that they will ask bond counsel to review any alternatives requested by the Commission because of the bond covenants. The discount given to the owners of Hybrid vehicles is a very low, 500, and for a limited period of time.

Mayor Bower asked if a discount could be offered to those workers on a first come, first serve basis.

Jorge Gonzalez, City Manager, asked if an employee's decal could be created for employees who work in the City of Miami Beach, on a first-come, first-serve basis and pay a discounted rate, how is that different than someone driving a hybrid.

Saul Frances, Parking Director, stated that if the rates are low, vehicles tend to stay in the parking spots longer and this reduces parking availability and revenue.

Commissioner Steinberg stated that this is a pilot project.

Vice-Mayor Gross suggested to amend the ordinance to 250 decals for hybrid vehicles and to refer to committee the other 250 to determine how they will be allocated. In the interim, for those that already have the hybrid decals also allow them to park in the city lots.

Victor Diaz spoke.

R7 - Resolutions

11:57:41 a.m.

A Resolution Approving, On Second Reading, Following A Duly Noticed Public Hearing, A Lease Agreement Between The City And Sunrise Community, Inc., For Use Of Approximately 2,500 Square Feet Of City-Owned Property, Located At 8128 Collins Avenue For The Purpose Of Operating And Managing A Vocational Training Site For Developmentally Disabled Adults; Said Lease Having A Term Of One (1) Year And Three (3) Months, Commencing On May 1, 2008, And Ending On July 31, 2009; Further Authorizing The Mayor And City Clerk To Execute The Lease Agreement.

10:20 a.m. Second Reading Public Hearing.

(Asset Management) (First Reading on March 12, 2008)

ACTION: Title of the resolution read. Public Hearing held. Resolution No. 2008-26807 adopted. Motion made by Vice-Mayor Gross; seconded by Commissioner Steinberg; Voice vote: 7-0. Ana Cecilia Velasco to handle.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 483

1:44:30 p.m.

A Resolution To Consider Following A Duly Noticed Public Hearing On February 13, 2008, An After-The-Fact Revocable Permit Request By Mr. Carlo Gambino, As Owner Of The Residential Property Located At 5600 La Gorce Drive, To Retain The Eastern Portion Of An In Ground Swimming Pool And At Grade Concrete Pool Deck, A Portion Of Which Is Constructed Over The Rear Platted Five (5) Foot Public Utility Easement Adjacent To The La Gorce Golf Course. 11:00 a.m. Public Hearing

(Public Works) (Continued from February 13, 2008)

ACTION: The Administration recommends approval of the request by Mr. Carlo Gambino (Applicant) to withdraw the Revocable Permit application and that the Mayor and City Commission approve the Settlement Agreement, which provides for removal of all encroachments. The Administration has agreed to the full refund of the Applicants Revocable Permit Fee. Motion made by Commissioner Weithorn; seconded by Commissioner Wolfson; Voice vote: 7-0. **Fred Beckmann to handle.**

City Clerk's Note: Settlement Agreement scanned under Resolutions, April 16, 2008, R7B.

3:26:42 p.m. 5:43:28 p.m.

R7C A Resolution Approving A Partial Fee Waiver For All City Permit Fees, In The Amount Of \$211,711.02, For The Fifth And Alton Project, As Said Project Qualifies As A Partial City Project, In Light Of The City's Ownership Of Parking Spaces Within The Garage Portion Of The Project.

(Economic Development)

ACTION: Resolution No. 2008-26808 adopted as amended. Motion made by Commissioner Tobin, seconded by Commissioner Libbin; Voice vote: 7-0. Kevin Crowder to handle.

Amendment

- 1. Developer to pay a total of \$42,700 in right-of-way permits fees
- 2. The Administration is authorized to spend \$15,000 for the Clean-Team trip to Houston to participate in the National competition

End

Wayne Pathman, Esq., introduced Jeff Berkowitz, his client and the developer of the 5th and Alton project.

Jorge Gonzalez, City Manager, gave a history of the project.

Wayne Pathman, Esq., added that the Development Agreement was negotiated at a time when the fees to be paid were significantly less than what they are today; he also stated that the State fee permit for closure is approximately \$4,000 and this fee was not anticipated. In addition, there is an item on the agenda for first reading in May of an infrastructure development agreement that they are looking to entering into with the City. The City and the developer have to do infrastructure improvements, and they are asking to consider doing the work at the same time to avoid disruption or having to dig up the streets twice as a benefit to the City.

Commissioner Tobin asked if the 535 parking spots were renegotiated to be sold to the City for \$27,000 instead of \$16,395 as it was originally negotiated.

Jeff Berkowitz stated that what Commissioner Tobin stated is essentially correct except before the design was completed and building commenced for 500 or 600 other spaces the contractor was asked to price the spaces. Based upon the prices given by the contractor, he came back to the City and based by construction price increases, which were significant, the City's share of the hard cost would be in excess of \$30,000 per parking space. After months of negotiations it was agreed he would sell a certain number of the surplus spaces in the garage for \$27,000 and it was agreed in the calculation not to include the cost of the land or any of the soft costs. The project's budget did not include a right-of-way (ROW) fee for closing 5th Street and Alton Road, which is not closed.

Discussion held.

Jorge Gonzalez, City Manager, stated that the question is if the waiver is something that the City Commission wants to do.

Jeff Berkowitz explained that a few days after the development agreement was executed, the City amended the ROW fee ordinance to double or triple the fees, and he asked if an adjustment could be made.

Commissioner Tobin suggested that if the developer is entitled to credit, he should get a credit for that.

Jorge Gonzalez, City Manager, stated that the Administration can look at the square footage that is

being occupied on 6th and Lennox and apply the rate that existed then versus today's rate, and see what that calculation is.

Wayne Pathman, Esq., clarified that the City is 49% partner in the garage.

Jeff Berkowitz asked if the Commission would authorize the Administration to recalculate giving credit based on the old fee, eliminate 5th and Alton where there is access, and to take into consideration the period of time the City would need the streets closed.

Motion made by Commissioner Libbin to direct Administration to calculate the rate based on the reduction; seconded by Commissioner Tobin; Voice vote: 7-0.

5:43:51 p.m.

Jorge Gonzalez, City Manager, stated that during the break the Administration recalculated the ROW fees, and had the rate been what was in effect at the time the negotiations took place, it calculates out to be between \$50,000 and \$51,000. The item in the agenda package represents a fee of about \$27,000. He recommended approving the \$27,000 and the developer has also made a commitment to underwrite \$15,000 of the expenses to be incurred as part of the trip for the Sanitation Team to compete in the Quality Awards Program in Houston.

Commissioner Tobin made a motion to accept the City Manager's recommendation.

Commissioner Wolfson asked if Mr. Berkowitz is a vendor.

Vice-Mayor Gross stated that Mr. Berkowitz is a developer and would like him to pay the full amount of \$42,700. The Commission authorized the Administration to allocate \$15,000 for the Houston trip.

Motion made by Commissioner Tobin, seconded by Commissioner Libbin, for the developer to pay \$42,700 in permit fees; Voice vote: 7-0.

12:02:52 p.m.

A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Request For Proposals (RFP) No. 06-07/08, For An Energy Savings Performance-Based Contract; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of Johnson Controls, Inc., And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm Of Ameresco, Inc.; Further Authorizing The Mayor And City Clerk To Execute An Agreement, Upon Conclusion Of Successful Negotiations.

(Public Works)

ACTION: Resolution No. 2008-26809 adopted as amended. Motion made by Vice-Mayor Gross; seconded by Commissioner Wolfson; Voice vote: 7-0. Fred Beckmann to handle.

Amendment:

Authorize the Administration to negotiate an agreement with Ameresco Inc., and if an agreement cannot be reached to negotiate with Johnson Controls.

End

Jorge Gonzalez, City Manager, made an opening statement.

Robert Middaugh, Assistant City Manager, explained the program.

Vice-Mayor Gross gave credit to the Ad-Hoc Green Committee and former Commissioner Góngora who was the Chairperson and Commissioner Libbin for their involvement.

Commissioner Libbin stated that this idea goes back to April 2007 at the City Commission Retreat when he introduced the idea that the City needed to be more proactive in conserving energy within City buildings before expecting the public to do the same.

PowerPoint presentation made by Dave Anderson from Ameresco Inc.

PowerPoint presentation made by George Green from Johnson Controls.

Discussion continued.

Vice-Mayor Gross stated that Johnson Controls is emphasizing alternative energy sources sustainability and he is interested in both companies' history in this area since he always thought that Johnson Controls was more of an engineering firm. He stated that he assumes this was considered by the evaluating committee. He stated that the presentation focused on city facilities. He mentioned that he had sent information to Fred Beckmann, Public Works Director, in reference to solar street lights, and other energy savings ideas such as wind powered turbines and other suggestions from the Green Committee. He wants to make sure that this does not evolve into an engineering project without capturing a lot of energy saving opportunities. He would like to know about the depth of Johnson Controls experience and support staff in this area.

Alex Tachmes, Esq. spoke.

Raul Aguila, Deputy City Attorney, spoke.

Discussion continued.

Commissioner Libbin requested clarification on the savings. He understands that the savings are being reinvested on the particular equipment or improvements to the building. He asked if and when there will be a net savings in either scenario.

Robert Middaugh, Assistant City Manager, stated that the intention is that the saving realized will surpass the investment necessary to accomplish the savings.

Questions and discussion continued.

Juan Carlos Bermudez, Esq., spoke on behalf of Johnson Controls.

Discussion continued.

Commissioner Wolfson asked if there is a piece of equipment that costs one million dollars for example, does the approval come to the Commission for approval.

Robert Middaugh, Assistant City Manager, stated "yes."

Motion made by Vice-Mayor Gross to select Ameresco Inc., and to instruct the Administration to negotiate a contract with Ameresco Inc., and if they cannot come to an agreement instruct the Administration to negotiate with Johnson Controls; seconded by Commissioner Wolfson; Voice vote: 7-0.

Commissioner Libbin is comfortable with Ameresco Inc., because Johnson Controls has been here 10 years and never come forward with any recommendations. He favors having both companies do a more in-depth analysis of potential cost savings and come back in 90 days with more accurate figures after answering the five questions.

Handouts or Reference Materials

- Letter from Gus Lopez, Procurement Director, to George E. Green, Johnson Controls, Inc., dated April 11, 2008, RE: Request for Proposal (RFP) No. 06-07/08, For an Energy Savings Performance-based Contract
- 2. Letter from Joseph M. Goldstein, Shutts & Bowen, LLP, to Jorge Gonzalez, City Manager, dated April 9, 2008, RE: Proposed Energy Savings Contract Award to Johnson Controls, Inc. Request by Ameresco to Present to City Commission.
- 3. PowerPoint presentation booklet from Ameresco, A Guaranteed Energy Savings Performance Based Contract proposal presented to Miami Beach April 16, 2008.
- 4. City of Miami Beach Parking System PowerPoint presented by AMPCO System Parking
- 5. Response to Administration's Recommendation and Financial Analysis RFP 11-07/08 from Standard Parking
- 6. Letter from Tracey E. Gallentine, AMERESCO, dated April 15, 2008 to The Office of the Mayor and Commission RE: Agenda Item: R7D, Energy Savings Performance-Based Contract
- 7. Internal Audit Report from James J. Sutter, Internal Auditor, dated February 29, 2008 RE: Standard Parking Corporation performance

1:46:00 p.m.

Supplemental Materials - Resolution

A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Request For Proposals (RFP) No. 11-07/08, To Provide Parking Cashiers, Attendants, And Supervisors For The City Of Miami Beach Parking System; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of Impark., And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm Of LAZ Parking., And Should The Administration Not Be Able To Negotiate An Agreement With The Second-Ranked Firm, Authorizing The Administration To Negotiate With The Third-Ranked Firm Of Standard Parking.; Further Authorizing The Mayor And City Clerk To Execute An Agreement, Upon Conclusion Of Successful Negotiations In The Estimated Amount Not To Exceed \$3,223,000.

(Parking Department)

ACTION: Resolution No. 2008-26810 adopted as amended. Motion made by Commissioner Wolfson to approve the City Manager's recommendation to enter into negotiations with Impark; seconded by Vice-Mayor Gross; Voice vote: 6-1; Opposed: Commissioner Libbin. **Saul Frances to handle.**

Amendment: Authorize to negotiate only End

Jorge Gonzalez, City Manager, introduced the item and stated that there was a bid protest filed by Standard Parking, the third ranked firm. The Procurement Department and the Legal Department have reviewed the two items raised and the protest was denied. The second element of the bid protest was regarding the rankings and it was also reviewed and determined not to have an impact.

Robert Middaugh, Assistant City Manager, explained the process.

Jorge Luis Lopez, Esq., representing Standard Parking Co., spoke.

Raul Aguila, Deputy City Attorney, objected, for the record, and clarified that a bid protest was received from Standard Parking and that bid protest has been responded to. There is no provision for amending a bid protest once it has been responded to, and additionally, Mr. Lopez's issue with regards to the public records request was addressed. He explained that all the proposers have had ample time to make any public records request necessary, and also Mr. Lopez was informed that the City will comply with his request as required by Florida law but there is no right to amend his bid protest.

Jorge Gonzalez, City Manager, informed the Mayor that the City did not invite anyone to make presentations and that if the City Commission would like the presentations they should allow everyone the same amount of time for the presentation.

David Hoyt, Vice-President Standard Parking Co., spoke.

David Kelsey spoke.

Manny Grossy spoke.

Mike McKeon spoke.

Chester Escobar, Impark's General Manager, spoke.

Luis Macedo, General Manager from Lax Parking, spoke.

Alan Fishman, member of the selection committee spoke.

Jorge Gonzalez, City Manager, highlighted that the evaluation committee voted unanimously to separate Lax Parking, Impark and Standard Parking as the three companies that they will discuss.

Alex Annunziato, Chairman of the selection committee, spoke.

Discussion continued.

Saul Frances, Parking Department Director, spoke.

Discussion continued.

Commissioner Tobin thanked Mr. Annunziato, Mr. Fishman and Ada Llerandi for giving their time to serve the City.

Vice-Mayor Gross commended Commissioner Wolfson for recommending going out for an RFP. He also stated that all of the prices are lower than what is being paid today; therefore, the taxpayers win no matter what happens. He is confident that the Manager will have a strong hand in trying to get the price down.

Jorge Luis Lopez, Esq., spoke.

Motion made by Commissioner Wolfson to approve the City Manager's recommendation to negotiate with Impark; seconded by Vice-Mayor Gross; Voice vote 6-1: Opposed Commissioner Libbin.

Commissioner Libbin stated that he finds it difficult to throw away \$720,000 when the City has a company that has performed at least good, if not better than good.

Commissioner Weithorn instructed the City Manager to try hard to lower the price.

Mayor Bower stated that she would like Impark to consider hiring the Standard Parking employees.

City Clerk's note: The Administration will place the final negotiated contract on the May 14th Commission Agenda for Commission approval.

Handouts or Reference Materials

- 1. City of Miami Beach Internal Audit Report dated February 29, 2008, Audit of Standard Parking Corp. Off-Street Parking Service Agreement from January 4, 2005 through September 30, 2007.
- 2. Letter from J. David Hoyt, CPFM, Vice President, Regional Manager, Standard Parking, to Robert Parcher, City Clerk, dated February 25, 2008, RE: Copy of Standard Parking [RFP] Proposal.
- 3. Letter from Jorge M. Gonzalez, City Manager, dated April 15, 2008 to Mr. Jorge Luis Lopez, Esq., RE: Request for Proposal No. 11-07/08 To Provide Parking Cashiers, Attendants and Supervisors for the City's Parking System (the "RFP").
- 4. Copy of an article by J.P. Morgan Publisher CityDebate.com titled The \$716,089 Questions About Our taxpayer's monies, dated 4/14/08 at 6:47 p.m.
- 5. Letter from Law Offices of Pablo Acosta, P.A., dated April 23, 2008 to Gus Lopez, Procurement Director received April 28, 2008 (distributed after the Commission Meeting) RE: Clarification regarding action taken by the City Commission RFP #11-07/08.
- 6. Letter from Law Offices of Jorge Luis Lopez to Gus Lopez, Procurement Director, dated April 15, 2008 RE: Formal Written Protest RFP 11-07/08.

7. Letter from San Cherkaoui, AMPCO System Parking dated April 15, 2008 RE: Award of Parking RFP No. 11-07/08 transmitted via email

R9 - New Business and Commission Requests

R9A Board And Committee Appointments.

(City Clerk's Office)

ACTION:

Committee on the Homeless:

Beth Gopman Term expires 12/31/09 Appointed by Mayor Bower TL12/15

Community Development Advisory Committee:

Laura Morilla Term expires 12/31/08 Appointed by Mayor Bower TL12/15

Disability Access Committee:

Janet Grant Term expires 12/31/09 Appointed by Commissioner Steinberg TL 12/11

Public Safety Advisory Committee:

Jesse Hanger Term expires 12/31/08 Appointed by Mayor Bower TL 12/15

R9A1 Board And Committee Appointments - City Commission Appointments.

(City Clerk's Office)

ACTION: No action taken.

R9B1 Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.)

ACTION: No speakers.

6:08:04 p.m.

R9B2 Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

ACTION:

- 1. Gil Zriny spoke about the swale areas. He gave the definition of swale areas. He stated that he appreciates alleys but now people drive thru the alleys. In reference to the swale areas he stated that the City should call those areas parkway since it sounds better, we could take care of them better and we could actually say that we have increased our park areas.
- 2. Richard Wolfe spoke about the bathroom structure on 17th street. He was in favor of tearing it down to renovate it and he has talked to a lot of people in trying to get the bathroom rebuilt again. He stated that there should be money in the RDA for the area. He feels that the bathroom should be rebuilt since it was a historic structure. He suggested some type of agreement with the two hotels for access to the public beach. He is tired of the hotels saying that this is a private beach. There is no private beach in Miami Beach.
- 3. Victor Diaz stated that Mr. Wolf is correct. He remembers the promises made when the structure was removed and everyone was told it was going to be rebuilt within a short period of time. What are people supposed to do when they need to go to the bathroom and they cannot afford to stay at the Delano Hotel?

Jorge Gonzalez, City Manager, stated that since he has been here that bathroom has never been on the RDA capital plan. The City Commission could direct the Administration to explore this issue. The nearest bathrooms are on 14th and 21st Streets.

4. Ray Breslin stated that in his opinion the Delano Hotel twisted a couple of arms to make the public bathroom go away. The City Commission should really consider building this bathroom. There should be a bathroom at certain increments on the beach or boardwalk.

3:4928 p.m.

Meeting of the Committee of the Whole was announced by the City Clerk at the Commission Meeting
R9C The Committee Of The Whole Will Meet During Lunch Break In The Mayor's Conference Room To
Discuss The Office Of The Mayor And Commission Guidelines And Procedures.

(Requested by Mayor Matti H. Bower) (Deferred from March 12, 2008)

ACTION: Meeting announced and held.

Meeting called to order at approximately 4:05 p.m., with the Mayor and all City Commissioners present. Jorge Gonzalez, City Manager, Jose Smith, City Attorney, Robert Parcher, City Clerk, Ramiro Inguanzo, Human Resources Director, and Luis Wong, Office Manager, Mayor and Commissioners Office, attended the meeting.

- 1. Create a position description for the Commission Aides.
- 2. Core business hours are 9 a.m. to 5 p.m.
- 3. Aides must keep Mr. Wong informed of when they will be out of the office.
- 4. Weekly timesheet must identify meetings the aides attended.
- 5. Weekly timesheet must be signed by the aides, Mayor or Commissioner.
- 6. Aides days off require the Mayor or Commissioner's approval and Mr. Wong must be notified.
- 7. Mr. Wong has the authority to make sure the office is appropriately staffed.
- 8. Mr. Wong to notify the Mayor or Commissioner if problems with any of the above.

The meeting adjourned at approximately 4:50 p.m.

Handout or Reference Materials:

Memorandum to Mayor and Commissioners from Luis Wong, Office Manager, dated November 15, 2005
 RE: Office of the Mayor & Commission- Office Processed & Procedures; Office Associate V and Commission Aide description of duties.

3:16:11 p.m.

8:33:28 p.m.

R9D Discussion Regarding Public Expression Of Sentiment For Appointment Versus Election Should A Premature Opening Of A Commission Seat Occur.

(Requested by Commissioner Jerry Libbin)

ACTION: Discussion held.

Mayor Bower stated she really does not have a preference as to whether there is an election or an appointment. She asked the City Attorney to give his opinion on this issue of the timeliness.

Jose Smith, City Attorney, stated that he issued a legal opinion on March 21, 2008 that stated that since there is a sentiment among the members of the City Commission to consider an appointment, under Section 2.07 of the City Charter an appointment cannot be made until there is a vacancy. He recommended deferring the discussion until there is a vacancy in the City Commission.

Mayor Bower stated that instead of having the discussion today, the discussion will take place once there is a vacancy.

Jose Smith, City Attorney, stated in order to have a conversation about making an appointment there has to be a vacancy before the Commission can appoint. Once there is a vacancy if the Commission fails or refuses to make an appointment then there would be a conversation about holding an election.

Commissioner Libbin stated that he prefers not to do delay the discussion. He requested the people be allowed to give their input to see what the community prefers.

Commissioner Wolfson stated that no matter what happens there will be a public discussion.

Commissioner Libbin asked that if there is a desire by the City Commission to hold election, would the City Attorney's advice change.

Jose Smith, City Attorney, stated that there have been two cases in the City's history where elections have been held when the sentiment of the Commission was not to appoint but rather to hold an election. The Legal Department gave opinions that there is law that would substantiate the validity of those elections. Those elections could have been challenged but they were not, and the case law is not clear. If the Charter is followed it is unassailable. He stated that he prefers the Commission follow the exact language of the Charter.

Motion made by Commissioner Wolfson, based on the City Attorney's suggestion, to follow the City Charter, follow the law and defer the discussion until there is a vacancy. No second offered.

Mayor Bower stated that since there was no second to the motion the item will be heard as advertised.

8:34:38 p.m.

Commissioner Steinberg stated, for the record, that the Charter indicates that he does not have a say on this item and it is up to the remainder of the Commission to decide; therefore, he excused himself from this discussion.

Frank Del Vecchio asked for a point-of-order and stated the he does not believe the Charter states that Commissioner Steinberg has to excuse himself and requested an opinion from the City Attorney.

Commissioner Libbin stated that this is an extremely important issue and members of the public have an interest. There is an opportunity, the same as the three times before in the last eleven years, to be able to find a way to hold a legal election. Based on the discussion last month, that is not necessarily the will of this Commission, but he wants the public to know, that if there was a will to have an election, the City Attorney's opinion is that it would be legal, there is a precedent for it, and the City Charter does not prohibit it and it will stand up to legal challenge.

Commissioner Wolfson stated that the City Charter requires that when a vacancy occurs the City Commission shall fill the vacancy by the vote of the majority of the remaining Commissioners and if the Commission fails or refuses to appoint then there should be a Special Election. He added that the correct thing to do is to follow the City Charter.

Jose Smith, City Attorney, stated that his opinion, as set forth in his LTC on March 21, 2008, was that since there is sentiment to do an appointment and since the Commission is not allowed under the Charter to do an appointment absent a vacancy, he recommends this Commission wait until there is a vacancy in order to entertain an appointment. If there is no appointment, then call for a Special Election. He has been asked about the prior elections and his opinion is that in those cases the sentiment of those Commissions was not to appoint. Based on legal cases he found, he came to the conclusion that while those elections were lawful, that is not to say that they were not subject to a legal challenge. His recommendation is to follow the language of the City Charter since there is some sentiment to appoint. If this is done, this decision will not be subject to a challenge. If the choice is to have an election in November, while he believes he could defend it, that decision could be subject to a challenge.

Commissioner Wolfson stated that he strongly believes in following language of the City Charter and wait until the day of the resignation and then the City has thirty (30) days to appoint; if no appointment is made, there could be a Special Election.

Commissioner Libbin requested to show a short video of two previous City Commission meetings where the City Commission voted to hold elections to fill a vacancy.

Video was played.

Marguerite Ramos spoke.

Sheila Jaffee spoke.

Benita Argos spoke.

Christine Battles representing David Wallack read a statement.

Marco Lerra spoke.

Frank Del Vecchio spoke.

Richard Rubin spoke.

Mike Burke spoke.

Jo Manning spoke.

David Kelsey spoke.

Larry Thorson spoke.

Mitch Novick spoke.

Motion made by Commissioner Wolfson to defer this issue until Commissioner Steinberg submits the effective day of his resignation, so that at that point this Commission can decide whether or not there is going to be an appointment or an election. No second offered and the discussion continued.

Commissioner Libbin asked for an expression of sentiment to see if any of the Commissioners want the public to have the opportunity to vote and asked for an expression of sentiment from two other Commissioners.

Mayor Bower stated that if there is no second to the motion and nobody wants to express sentiment, the item dies.

Vice-Mayor Gross agrees with appointing given how short the term is and avoiding the costs of an election.

Commissioner Tobin agrees with the Charter language and is comfortable with making an appointment.

Commissioner Weithorn stated that the discussion is premature since the City Charter states to take no action until Commissioner Steinberg resigns. She agrees with an appointment.

6:47:10 p.m.

Supplemental Materials: Commission Memorandums will be distributed on the dais

R9E Discussion Regarding What The City Administration Is Doing To Audit Prior Transactions To Determine What Other Fraud/Corruption Existed.

(Requested by Commissioner Richard L. Steinberg and Mayor Matti Herrera Bower)

ACTION: Discussion held. Motion made by Commissioner Steinberg to authorize the City Manager to hire the auditors pursuant to the request from the State Attorney's Office and to move forward with the investigation to investigate further corruption and deficiencies in the system; seconded by Commissioner Wolfson; Voice vote: 7-0.

Amendment:

Commissioner Weithorn was appointed as the City Commission liaison to work with the City Manager to develop a scope of work.

End

Mayor Bower gave an oral report on the incidents regarding recent fraud in the City. She explained that about two years ago, the City started an investigation and due to the seriousness of the findings, they went to the State Attorney's Office. She added that it's important for everyone in Miami Beach to know that it was the City that began the investigation, and is working with the State Attorney's Office with two of Miami Beach's top detectives who were sent to coordinate efforts with the State. The City wants to have an open and transparent government, and that is why Mayor Bower and Commissioner Weithorn have created a Transparency, Reliability, and Accountability Committee (TRAC); and added that the City of Miami Beach cannot tolerate any corruption in the City.

Jorge Gonzalez, City Manager, stated that situations like this are most disappointing to him and reiterated that the only way to clean things up is by taking the steps that they have been taking, by taking them to the State Attorney's Office, granting them the resources needed to pursue the investigation vigorously, and providing as much resources as they need, for as long as they need it. This investigation has been a partnership between the City of Miami Beach Police Department, the Florida Department of Law Enforcement and the State Attorney's Office. During the last 24 months, four employees have been arrested who were engaged in illegal activities involving the building development process. This is an ongoing investigation. He continued explaining that there are three components in this investigation: 1) The criminal component is being investigated and it is in the hands of professionals; 2) What can the Administration do relative to the current building process and what measures can be put in place to improve the system, with the appropriate internal controls and checks and balances required, and 3) To bring an outside agency and make sure internal controls are in place. He also suggested that two audits be done, and asked for authorization to allow the Administration to identify the right auditor and recommended not going through a regular RFP process, he respectfully requested to allow the Administration to work with the State Attorney's Office

and the TRAC committee to move the process faster to review the Building Department's procedures in an in depth matter and to review the City's concurrency process. He also asked Tim Hemstreet, Assistant City Manager, and Tom Velazquez, Building Department Director, to speak to the City Commission as to what has transpired in the nature of tightening the system to ensure that corruption will no longer happen and other measurements that are being contemplated. Jorge Gomez, Planning Department Director, will speak about the buildings that the Miami Design Preservation League (MDPL) has requested be checked to make sure they have gone through the right approval process for demolition. He added that one of the steps in changing an organization begins with its leadership, and over two years ago an outside director was hired. Thomas Velazquez, Building Director, chose his management team and began improvements, which predate the arrests made recently, and started to tighten the system and implemented measurements that force more than a single person in making a decision of signing off to give expediency to prospective builders and avoid fraudulent activity.

Frank Del Vecchio objected to the procedure.

Commissioner Steinberg commended the Administration for reacting expeditiously and allowing the criminal investigation take place and also commended Mayor Bower and Commissioner Weithorn for creating the Transparency, Reliability, and Accountability Committee (TRAC). He stated that he will make a motion to authorize the City Manager to hire the auditor/auditors as the City Manager sees fit to determine any further fraud; no second offered and the discussion continued.

Frank Del Vecchio explained that he submitted a public records request, based on a SunPost article, which may implicate the Building Department Director in the bribery. In the article, it was reported that Mr. Velazquez knew about the bribes taking place about the overtime arrangement between inspectors and contractors. He asked why that information was not provided previously by the Building Department, and why the Building Department has not produced the public records request regarding overtime and project expediters. He added that to hear from the Administration and City Officials before the City Manager's request for an internal review has been acted upon, is premature. His request is to defer this until the public audit is received and reviewed. He distributed copies of his memorandums.

Victor Diaz stated that he does not want this discussion to turn into a micro management of the City either by a citizen's committee or by an outside audit. There are items that have been long neglected and suggested that the City look at the pace of development, which creates the opportunity for fraudulent activity. In 2004, there was a referendum that passed 2 to 1 as to whether the citizens wanted to slow down the pace of large scale projects. The City needs to look at slowing down the pace of development until these problems are fixed. This Commission needs to look at the impact fees, immediately change the concurrency system; make the burden for those changes, not from the frustrated citizens, but from the development community, and create separate tracts for different reviews; thereby, streamlining the process and create a business resource center to get information on how to navigate this process in the City so that citizens do not pay expediters and finally make lobbying reforms for former elected officials.

Kent Harrison-Robbins thanked and commended the City Commission for beginning the process of eliminating corruption in the City. He supports the strong growth management that has been put in place and the efforts of David Dermer and Victor Diaz and this Commission to downsize the City of Miami Beach.

Harry Cherry spoke. Gil Zriny spoke. Frank Kruszewski, Planning Board Chair, spoke.

Vice-Mayor Gross stated, as a point of information, that in the afternoons, homeowners can come to

the Building Department and have their permits reviewed without an expediter.

Tom Velazquez, Building Department Director and Building Official, spoke. David Kelsev spoke.

Bill Farkas, MDPL Executive Director, spoke.

Mike Burke spoke.

Jean "John" Longchamps, former Miami Beach Building Inspector, stated that he worked in the Building Department from 2001 to 2005 under Phil Azan and added that corruption existed at that time and the City Manager and the Office of Inspector General have his report which includes evidence that work was done without permits being pulled, roofs replaced without permits being pulled, and buildings were near completion without inspections being done.

Mayor Bower requested a copy of his report be submitted to the City Commission in order to send it to the State Attorney's Office.

Commissioner Wolfson suggested that this report be presented to the TRAC.

Commissioner Tobin stated that according to what has been heard, this has been going on for seven years and there was no relief from the requests from Commissioners or previous Planning Board Chair; the problem still exist, perhaps the auditor that the City retains should answer to the Commission in conjunction to the City Manager and be responsible and accountable to the City Commission. The question of how the Commission can get these problems solved needs an answer.

Jorge Gonzalez, City Manager, stated that a liaison can be assigned by the City Commission and added that he is happy to work with the Commission on this.

Discussion continued.

Jorge Gonzalez, City Manager, stated that a component of the ongoing investigation is information that the State Attorney's Office has shared with him, but he is not at liberty to share with the Commission.

Commissioner Weithorn stated that this Commission sets the criteria and the findings are reported back to the City Commission. The agreement is between two parties and if the City Commission decides that the party is the City Commission rather than the Administration that can be done if it's the will of the Commission.

Discussion continued.

Jorge Gonzalez, City Manager, stated that he is most interested in uncovering every aspect of this issue and is in agreement with Commissioner Weithorn's recommendation. He also explained the allegations that came to him about the Rattner incident and how that investigation was done. He stated that at the end of this process, there needs to be reliance and stated that he does not want any allegations that the investigation was somehow watered down.

Discussion continued.

Commissioner Tobin asked if this Commission is committed to making the Building Department more user friendly for residents and there was agreement.

Discussion continued.

Commissioner Weithorn stated that the Commission is in agreement that there needs to be a change

in culture, which is what Vice-Mayor Gross has been trying to do for years; now there is a new tool, which is hiring accountants and consultants, and not only audit the procedure but help look at the controls that are in place; the work of the Building Task Force needs to be looked at and incorporated, but this job is different.

Commissioner Wolfson explained that he was in agreement to have an outside audit firm report directly to the City Commission and for the Commission to define the scope of what the auditors are going to be doing.

Mayor Bower asked what is exactly that the State Attorney's Office wants.

Jorge Gonzalez, City Manager, stated that the State Attorney and investigators indicated to him that there are a series of buildings processes that they want to look at and investigate further to determine if there is more corruption and identify how to close the holes in the system.

Mayor Bower suggested hiring the outside person and keeping the City Commission out of the loop.

Discussion continued.

Jorge Gonzalez, City Manager, stated that the State Attorney's Office is soliciting assistance and expertise. The Administration is prepared to give them the expertise and resources they are seeking, which may involve people in the Administration. He recommended an outside investigation and suggested to have Commissioner Weithorn work with the Administration.

Motion made by Commissioner Steinberg to authorize the City Manager to hire the auditors pursuant to the request from the State Attorney's Office and to move forward with the investigation to uncover further corruption and deficiencies in the system; seconded by Commissioner Wolfson; Voice vote: 7-0.

Commissioner Wolfson asked if there is another audit that is planned to be done.

Commissioner Weithorn stated that she will report prices to the Commission, if out of the ordinary, and in answering Commissioner Wolfson's question, she added that she would recommend an agreed upon procedure, perhaps a re-computation of the concurrency calculation and perhaps also looking at the underlying assumptions on concurrency to see if they are valid basis to do this.

Motion amended by Commissioner Steinberg to appoint Commissioner Weithorn to work with the City Manager to develop a scope of work; seconded by Commissioner Wolfson; Voicevote: 7-0.

Handout or Reference Materials:

- 1. Two memorandums from Frank Del Vecchio, dated April 16, 2008 to City Manager Jorge Gonzalez.
- 2. LTC to Mayor Matti Herrera Bower and Members of the City Commission from Jorge Gonzalez, City Manager dated April 15, 2008 RE: Building Inquiry Made by the Miami Design Preservation League.

6:16:31 p.m.

R9F Update On Public Baywalk At The Waverly And Flamingo. (Public Works)

ACTION: Discussion held. Update report given.

Jorge Gonzalez, City Manager, stated that this issue went to the Special Master and he ruled against the City and in favor of the developer and the developer has not allowed access to the City to fix the Baywalk. Instead they indicated that they are going to be receiving the permit to repair the seawall. The progress made at the last meeting is no longer there. At this point, the City's hands are tied.

Jose Smith, City Attorney, stated that there is a Special Master Hearing scheduled for April 17, 2008 and an appeal before the Appellate Court on May 23, 2008.

Gary Held, First Assistant City Attorney, stated that the City requested from the Special Master to have the Waverly give a 30 days progress report.

Jorge Gomez, Planning Director gave an update.

Fred Beckmann, Public Works Director, gave an update.

Mike Burke stated that a month ago he spoke on this issue and he is hearing the same answer now that he heard a month ago. He stated that the developer misrepresented to the City Commission what they were going to do. They gave the impression that the City was going to be able to go into the right-of-way and restore access and it has not happened. He explained that he went to the engineering office to request a copy of the engineering report that Commissioner Tobin was promised and he was told to file a freedom of information request. He referred to two letters from the City Manager and the City Attorney to the Mayor dated April 11, 2008, regarding the Waverly and the Flamingo and stated that the Flamingo has serious concerns about the DRB order requiring it to put in a Baywalk and also "legal issues" regarding the final order. In summary, the Flamingo and the Waverly are both defying the City. Also the Bentley Bay put up a wall and nothing is being done about that either. There is also an encroachment at the Apogee. They dug up part of the Baywalk, installed a fence and put in sand. He requested that the City Commission directs the City Manager to the required permits to reopen this property, give them five business days to do it and if not done the City should go in and do it.

Jorge Gonzalez, City Manager, stated that he will defer to Legal but the Special Master has taken the jurisdiction.

Jose Smith, City Attorney, stated that the Flamingo is a different issue.

Gary Held, First Assistant City Attorney, gave an update.

Tim Hemstreet, Assistant City Manager, stated that the wall is on private property and when he met with the Bentley Bay they stated that if the City could produce a "regulatory requirement" to remove the wall, they will remove it.

Mike Burke spoke.

Jorge Gonzalez, City Manager, stated that the City will look at the Apogee fence, and if it is in public property, it will be removed. **Fred Beckmann to handle.**

Victor Diaz spoke.

Commissioner Weithorn requested a report on the Waverly item in 30 days and requested that on the Apogee wall, a resolution be found within the 30 days. **Tim Hemstreet to handle.**

City Clerk's note 4/16/2008:

<u>Waverly:</u> [DRB File No. 9024]: Condition 11 of the Final Order of the Design Review Board states: "A Baywalk extension, from the south side of the property north into the future park area, shall be required." <u>Grand Flamingo:</u> [DRB File No 9191]: Condition 9 of the Final Order of the Design Review Board states: "A Baywalk extension, from the south side of the property north into the future park area, shall be required." A history of the prior actions is attached. See LTC 107-2008.

6:40:05 p.m.

R9G Discussion Regarding A Proposed Ballot Question For August 26, 2008 Ballot Re: Amending City Charter To Require Public Vote Prior To Change From Low Intensity Use To Greater Intensity Use. (Requested by Commissioner Richard L. Steinberg)

ACTION: Discussion held. Item referred.

Commissioner Steinberg explained the item.

Jorge Gonzalez, City Manager, stated that the Land Use and Development Committee meeting is two days before the Commission meeting and any Commission Agenda materials will need to be transmitted via the Supplemental Agenda.

Motion made by Commissioner Steinberg to refer the item to the Land Use and Development Committee; seconded by Commissioner Libbin; Voice vote: 7-0. Jorge Gomez to place on the Agenda and handle.

5:28:57 p.m.

Supplemental Materials - Resolution

R9H Discussion Regarding A Resolution Voicing The City's Support And Adding The Anti-Bullying Bill To Our Legislative Agenda.

(Requested by Commissioner Richard L. Steinberg)

ACTION: Discussion held. Resolution No. 2008-26811 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Tobin; Voice vote: 7-0. Kevin Crowder to handle.

Commissioner Steinberg introduced the item.

Stratton Pollitzer, Equality Florida's South Florida Director, spoke. Heddy Peña spoke.

Handout or Reference Material:

1. Resolution distributed at dais

R9I Discussion Regarding A Resolution In Support Of Fisher Island Workers' Right To Organize. (Requested by Commissioners Richard L. Steinberg & Jonah Wolfson) (Deferred from March 12, 2008)

ACTION: Item deferred.

R9J Discussion Regarding The Miami Beach Building Permits Issued In Fisher Island. (Requested by Commissioner Jerry Libbin)

ACTION: Item deferred.

Handout or Reference Materials:

 LCT from Jorge M. Gonzalez, City Manager, to Mayor Matti Herrera Bower and Members of the City Commission, dated April 14, 2008 RE: Fisher Island Development – Palazzo del sol and Palazzo Del Luna.

6:38:34 p.m.

R9K Discussion And Referral Of An Ordinance On Seasonal Or Short Term Rental For Consideration By The Planning Board And/Or Land Use And Development Committee, Subject to Attorney-Client Session.

(City Attorney's Office)

ACTION: Discussion held. Motion made by Commissioner Steinberg to refer the item to the Planning Board; seconded by Commissioner Tobin: Voice vote: 7-0. Jorge Gomez to place on Committee Agenda and to handle.

Gary Held, First Assistant City Attorney, explained the item and the motion as it was passed at the Executive Session:

Motion:

- 1. The City Commission confirms its agreement with the Planning Director's Administrative Interpretation 00-2, issued February 29, 2000, that the City's Land Development Regulations prohibit the rental of a single family home for less than six months.
- 2. The City Commission, however, refers to the Planning Board adoption of an ordinance amendment to the Land Development Regulations that would permit the rental of single family homes for minimum periods of 3 6 months no more than 3 times per year, subject to such additional regulations as the Planning Board proposes.

Handout or Reference Material:

1. Motion RE: 10 Palm LLC v. City of Miami Beach Seasonal / Short Term Rentals confirming agreement with Planning Director's Administrative Interpretation 00-2, issued February 29, 2000.

R10 - City Attorney Reports

R10A Notice Of Attorney - Client Session

Pursuant to Section 286.011, Florida Statutes, the City Attorney hereby advises the Mayor and City Commission that he desires advice concerning the following pending litigation matter:

10 Palm, LLC. and Villazzo, LLC. vs. City of Miami Beach Case No. 07-22752-CIV-LENARD/TORRES U.S. District Court, Southern District of Florida

Therefore, a private closed Attorney-Client Session will be held during the lunch recess of the City Commission meeting on April 16, 2008 in the City Manager's Large Conference Room, Fourth Floor, City Hall, to discuss settlement negotiations and/or strategy related to litigation expenditures with regard to the above-referenced litigation matter.

The following individuals will be in attendance: Mayor Matti Herrera Bower; Members of the City Commission: Saul Gross, Jerry Libbin, Richard Steinberg, Ed Tobin, Deede Weithorn, and Jonah Wolfson; City Attorney Jose Smith, City Manager Jorge Gonzalez, First Assistant City Attorney Debora Turner and First Assistant City Attorney Gary Held.

ACTION: Announced and held. See the announcements of Steps 1, 2 and 3 at the beginning of this document.

Reports and Informational Items

A City Attorney's Status Report.

(City Attorney's Office)

ACTION: Written report submitted.

B Parking Status Report - February 2008.

(Parking Department)

ACTION: Written report submitted.

C Status Report On The Rehabilitation Of The Existing Building And Construction Of The New Fire Station No. 2.

(Capital Improvement Projects)

ACTION: Written report submitted.

D Normandy Shores Golf Course And Clubhouse Status Report.
(Capital Improvement Projects)

ACTION: Written report submitted.

E Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County, U.S. Communities, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days. (Procurement)

ACTION: Written report submitted.

F Report On Graffiti.

(Neighborhood Services)

ACTION: Written report submitted.

- G Non-City Entities Represented By City Commission:
 - 1. Minutes From The Miami-Dade County League Of Cities Meeting On February 7, 2008. (Requested by Commissioners Richard L. Steinberg & Deede Weithorn)
 - 2. Minutes From The Miami-Dade Metropolitan Planning Organization Governing Board Meeting On February 21, 2008.

(Requested by Commissioner Richard L. Steinberg)

ACTION: Written report submitted.

End of Regular Agenda

Miami Beach Redevelopment Agency

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive April 16, 2008

Chairperson of the Board Matti Herrera Bower Member of the Board Saul Gross Member of the Board Jerry Libbin Member of the Board Richard L. Steinberg Member of the Board Edward L. Tobin Member of the Board Deede Weithorn Member of the Board Jonah Wolfson

Executive Director Jorge M. Gonzalez Assistant Director Tim Hemstreet General Counsel Jose Smith Secretary Robert E. Parcher

AGENDA

- OLD BUSINESS
 - A Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency's City Center District & South Pointe (Pre-Termination Carry Forward Balances) For The Month Of February 2008.

(Finance Department)

ACTION: Written report submitted.

11:51:17 a.m.

- NEW BUSINESS
 - A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency (RDA) Consenting To A First Mortgage Encumbrance Of The RDA's Interest In The Real Property Located At 2001 Washington Avenue (The Allen House), In Accordance With The Provisions Of That Certain Loan Agreement, Note, And Restrictive Covenant Between The RDA And MBCDC: The Allen, LLC, Dated April 30, 2007; Said Mortgage In Connection With Miami Beach Community Development Corporation's (MBCDC) Application To Great Florida Bank For Permanent Construction Financing, In The Amount Of \$500,000, To Fund The Rehabilitation Of The Allen House; And Further Authorizing The Executive Director To Execute Any And All Documentation Related Thereto.

(Economic Development)

ACTION: Discussion held. Resolution No. 556-2008 adopted. Motion made by Member Tobin; seconded by Member Steinberg; Voice vote: 7-0. Kevin Crowder to handle.

End of RDA Agenda

Meeting adjourned at 9:25:24 p.m.